



Missouri Department of Natural Resources

1 BEFORE THE GOVERNOR'S ADVISORY COMMITTEE
2 ON CHIP MILLS
3 STATE OF MISSOURI

4
5 PUBLIC HEARING

6
7 June 20, 2000

8 Department of Natural Resources
9 DNR Conference Center
10 1738 Elm Street
11 Jefferson City, Missouri

12
13 BEFORE: Stephen Mahfood, Committee Co-chairperson
14 David A. Day, Committee Member
15 Senator Doyle Childers, Committee Member
16 David E. Bedan, Committee Member
17 Jay R. Law, Committee Member

18
19
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A P P E A R A N C E S

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I N D E X

Mr. Charles Kruse	6
Ms. Liz McCool	10
Mr. Art Gregor	19
Mr. W. (Bud) Middleton	21
Mr. Marc Romine	28
Mr. Mike Smith	32
Mr. John McCammon	35
Mr. Jerry Presley	38
Mr. Roy C. Hengerson	48
Mr. Ken Midkiff	55
Mr. Tom Kruzen	64
Mr. James L. Bailey	74
Ms. Louise McKeel	74
Mr. Daniel W. McKeel, Jr., M.D.	82
Mr. Devin M. Scherubel	92
Mr. Charles Phillips	96
Ms. Kalista Mountjoy	100
Mr. Tony Nenninger	101
Mr. Scott Brundage	103
Ms. Caroline Pufalt	106

1 P R O C E E D I N G S

2 MR. MAHFOOD: Let's go ahead and call the
3 public hearing to order. I will stand up and get it
4 started.

5 I apologize for the lateness of the start of
6 the meeting. There was an emergency that was taking
7 place, that I apologize; it had to be attended to.

8 I want to thank all of you for coming out.

9 In case you might find yourself in the wrong
10 place, this the public hearing on the Advisory
11 Committee on Chip Mill Report. It's June 20th. And
12 we're just happy to see everybody here and -- and
13 allowing us to sit through the comments and make
14 comments, and we just welcome you-all here.

15 We have got our members here today, Dave
16 Bedan, Senator Doyle Childers, David Day, Jay Law, and
17 we may have one more member attend. I'm not quite
18 sure. We've heard from a couple of people. They
19 might be able to make it. Otherwise, we're it today.

20 Kristal Murphy is our court reporter.

21 And, as you know, we're all here to make
22 formal comments to the Advisory Committee on Chip
23 Mills on the Chip Mill Committee Report. The hearing
24 is set up on a first-come-first-serve basis. We are
25 conducting the hearing. It formally goes to 7:00, but

1 we will be here until all comments are heard.

2 I want to remind you that there are public
3 comment cards that are available. You need to submit
4 one of these so we know who is up and so I have the
5 correct order, and we're doing this by the order in
6 which we -- we receive the requests.

7 The hearing is not set up for a debate but
8 for comments. All comments will be entered into the
9 public record. Committee members may ask questions,
10 and -- and that may happen, so be prepared.

11 Because of the number of people that are
12 here and the number of comment cards, I would just --
13 I'm not going to give you a specific minute time. I
14 could say five minutes, and that would be a guideline,
15 but we would appreciate you holding your -- your
16 comments to a brief amount of time so that everybody
17 has a chance to say what they need to -- to say what
18 they need to say.

19 If you have anything that you want to turn
20 in or submit in the way of comments, we would more
21 than welcome those so that we can share them with
22 other Committee members.

23 Tonight's comments will be available in
24 transcript format from the court reporter, and I'm not
25 going to give the phone number right now, but there

1 will be a number I'll give out later that you could
2 make a -- give a call, and those comments will be
3 available.

4 The comments are going to be incorporated
5 into a summary of the written comments received by
6 the -- by the Committee. The summary and the comments
7 as submitted and as testified to will be compiled,
8 sent to the Committee members for review, and that
9 discussion about the -- about the input from all of
10 you and others who submit comments during the review
11 period will be supplied for the members at the next
12 meeting for discussion, and all of those comments and
13 the summaries will be supplied to the Governor, along
14 with this report. They are to be considered part of
15 the report package and not separate from it.

16 The July meeting is scheduled for July 31st
17 here at the Conference Center. It should be in this
18 room.

19 And -- let's see. And one note I would make
20 is that we have had some problems in the past with the
21 court reporter hearing what's going on, so I would ask
22 that any major side conversations that get started,
23 two, three, four people starting a conversation, I'd
24 appreciate it if you would step outside to do that.
25 And I don't mean -- two people talking to each other

1 is usually not a problem. But a lot of times, given
2 the topics, we get a lot of people wanting to talk to
3 each other, and I would appreciate it if you could
4 step outside, simply because it's hard to get the
5 comments down and get them straight.

6 So with that, I'd ask the members -- do you
7 guys have any questions or anything you think you need
8 to add?

9 (No response.)

10 MR. MAHFOOD: Okay. All right. We're going
11 to go ahead and get started. And I'm going to -- I'd
12 appreciate it, when I call your name for the comments,
13 if you would please just come to the dais here and go
14 ahead and make your presentation, and we'll just go
15 from there.

16 The first person -- first person up is
17 Charlie Kruse from Missouri Farm Bureau.

18 MR. CHARLES KRUSE: Mr. Chairman, Members of
19 the Committee, can you-all hear me okay?

20 MR. MAHFOOD: Yeah. Yeah, just fine,
21 Charlie.

22 MR. CHARLES KRUSE: My name is Charlie
23 Kruse, and I serve as president of Missouri Farm
24 Bureau, the state's largest general farm organization.
25 I'm a fourth generation farmer from Stoddard County

1 where my family and I raise corn, soybeans, wheat and
2 cotton.

3 I appreciate the opportunity to share some
4 thoughts relative to the Committee's Draft Final
5 Report and also the process under which it was
6 developed.

7 In general, I guess I would say I'm reminded
8 of the movie, The Good, the Bad and the Ugly in
9 looking at this thing. First, I want to commend the
10 Committee as a whole for its efforts over the past
11 21 months. You-all have had a very difficult task and
12 have risen to the occasions. And Directors Mahfood
13 and Conley have gone out of their way to include the
14 public every step of the way, and you are to be
15 commended for that.

16 Overall, the report has been strengthened by
17 the diverse views represented by Committee members. I
18 specifically want to thank and commend Farm Bureau's
19 representative, David Day, a member of our State Board
20 of Directors, for doing an excellent job representing
21 the views of our membership.

22 David, I think it's safe to say, and
23 probably safe to say for all of you, nobody knew what
24 you were getting into. I can certainly say for that
25 matter we didn't know what Davi-- what we were getting

1 David into by putting him on here, but we're pleased
2 that you served, and you did very, very well.

3 We are pleased that the Final Draft Report
4 recognizes the importance of private property rights
5 and focuses on voluntary incentive-based initiatives
6 rather than new regulations. While there are those
7 who disagree, the Committee's emphasis on education
8 and training makes a great deal of sense to those who
9 actually own the land.

10 Specifically we applaud the following
11 recommendations: Establishing a best management
12 practice task force, seeking an evaluation of existing
13 educational programs, creating silvicultural courses
14 and marketing seminars throughout the state, and
15 requesting the Departments of Agricultural and
16 Economic Development assist in the development of
17 value-added products and export opportunities.

18 Yet, regardless of anyone's position on the
19 issues, there is reason to be concerned with the
20 process used to develop this version of the Draft
21 Final Report. It would appear that the Governor's
22 second executive order was issued because the
23 Committee didn't come up with the right
24 recommendations the first time. At that point, the
25 integrity of this process was drastically compromised.

1 Subsequent actions taken by the Clean Water
2 Commission are likewise questionable. Why wasn't
3 there better communication between this Committee and
4 the Commission? There were no joint meetings, and, as
5 we understand it, little information was shared. In
6 fact, we've been told that members of the Commission
7 were not aware that you, this Committee, had
8 considered and then rejected a moratorium on new chip
9 mill permits.

10 And, finally, from the inception of this
11 Committee, there have been those using chip mills as
12 the excuse to justify broad regulation of timber
13 management and harvesting practices. In the end it
14 was very alarming that some people advocate those
15 sweeping changes, not based on environmental damage,
16 but rather based on the potential for soil or water
17 erosion and other impairments.

18 So I guess the question is in conclusion,
19 where do we go from here?

20 It is Farm Bureau's desire to work with the
21 Missouri Department of Conservation, the University of
22 Missouri, and others to encourage the wise use of our
23 state's private timber resources. We will use our
24 publications and other resources to assist wherever
25 possible. And our members will have an opportunity

1 this year to develop policies relative to the
2 Committee's recommendations on issues that could be
3 debated next year by the General Assembly.

4 At the same time, we believe that State
5 agencies should refrain from implementing prescriptive
6 recommendations without specific input from landowners
7 and other interested parties. It is very important
8 that landowners be involved in the development and
9 implementation of the programs the Committee has
10 recommended.

11 Again, Mr. Chairman and Members of the
12 Committee, I thank you very much for this opportunity
13 to make comments.

14 MR. MAHFOOD: Thank you. Do we have any
15 members who have any questions?

16 (No response.)

17 MR. MAHFOOD: Thank you very much. We
18 appreciate it.

19 Next would be Liz McCool.

20 MS. LIZ McCOOL: I come from McDonald
21 County. When I called and told -- and asked the
22 people about coming up here, the lady said, "Well,
23 where is that? Is that in Missouri?" And I said,
24 "Yeah."

25 It's in the southwest corner of Missouri.

1 It really is. It's almost Arkansas, and it's almost
2 Oklahoma. Next to McDonald County is Newton County,
3 since you guys up here seem to need a geology lesson.

4 In Newton County, alongside 71 Highway,
5 there is a new chip mill. Not that new, actually.
6 It's been going about four years.

7 I've been wondering when somebody was going
8 to say something or do something about this because I
9 hadn't heard anything about it down there at all, but
10 I drive by there every day, and it's sickening.

11 And I have photographs, and I'm going to
12 show the Committee the photographs. I want you to
13 pass them around. These photographs are taken
14 yesterday. They are double train loads of lumber
15 coming in -- of logs coming into the chip mill there
16 in Newton County. It's been going 24 hours a day for
17 the last three or four years. So your Committee,
18 while you've been talking about it, the Ozarks have
19 been going down the river, so to speak, going down the
20 train track.

21 They are supposed to be culls. If you look
22 through and you see my pictures, no two pictures are
23 taken in the -- of the same thing. I went like this:
24 I drove some and then I took another picture and took
25 another picture, and drove and took another picture

1 and another picture, so I could get all of the stacks
2 of logs. These are from the -- some -- the first few
3 are from the front. The others are from the back road
4 that runs parallel to 71 Highway.

5 At the back is where they put all of the
6 good logs. At the front the chipped ones, the little
7 ones, the tiny ones that come in, go into the -- into
8 the chip mill, and they get loaded back out into empty
9 cars from the train tracks, the double tracks. There
10 is more than two tracks, I believe, that goes in
11 there.

12 But, anyway, this -- this has got to stop.
13 I know that you're saying, yeah, you don't want
14 regulations to stop other logging mills. There is
15 other log mills around in McDonald County that are
16 worried, and they are told -- they are worried that
17 it's going to change and ruin their logging because
18 there aren't going to be any logs left.

19 It was nice to come up here today and see
20 some trees. It used to be that we could drive around
21 McDonald County and there was a corridor where 71
22 Highway goes that was open where you could see off in
23 a distance. The rest of the county used to be trees,
24 very heavily wooded trees.

25 When they came in and they made Huckleberry

1 State Park for some reason they wanted -- they called
2 it -- the people from Jefferson City wanted to call it
3 Huckleberry Prairie, and we wondered what they were
4 talking about. Well, apparently they were looking
5 into the future, because that's what it looks like now
6 all around there. Everything that is not actually
7 state park looks like prairie now.

8 I flew over there in January, and you can
9 see where the creeks are because where it's -- the
10 steepest part is the only part that's left, that's
11 still got trees in it. The rest of it's clear-cut.

12 So I don't know what you -- what you people
13 are doing. Everybody down there is just tearing their
14 hair out. Nobody knows what to do. Everybody wonders
15 if anybody is even noticing what's going on. Besides
16 "chip mills," which as you'll see from the photographs
17 there is a lot of lumber there that's nothing to do
18 with chipping that's being brought out, they are
19 spraying along power lines. There is the new highway
20 going through. That's opening up, you know, this, you
21 know, half-a-mile-wide thing. There is going to be
22 nothing left.

23 Now, there is one picture, I think in the
24 front of this one right here. I live in Anderson,
25 which is a small little county town right there in

1 McDonald County, and this is what we call the town
2 hole, which is the swimming hole right in the middle
3 of town, which is very, very pretty. Yeah, I know
4 it's cute.

5 But if you look at this photograph, you can
6 see that half of that now is six inches deep. There
7 is not much hole left. That's the gravel that's
8 coming down Beaver Branch. Don't giggle. Beaver
9 Branch is coming down. That's all washing into it.
10 Everything is washing into it. There is no -- it
11 comes down. Some days it looks like soup or gravy.
12 It's the color of red chalk -- red clay, I mean, that
13 comes down. That was on a clear day. That's all
14 we've got left.

15 This is the spring. This is across what we
16 used to call Little Sugar Creek, and you can see the
17 effects of spraying, DNR people, going right across
18 the spring right across Su-- Little Sugar Creek that
19 used to be just that sweet and nice. This is a
20 regular -- a regular lumberyard that is saying their
21 business is being hurt. This is the steep sides they
22 are putting on the new 71 Highway that are almost
23 vertical going right across the bridge going across
24 Indian Creek.

25 And this is the trash and the logs and the

1 lumber piled up against the bridge on Main Street in
2 Anderson that you used to be able to dive off and dive
3 into the water.

4 But I came here with a lot of really clever
5 comments, which I can't remember any of them now.
6 This is Gulf State Paper on I-44. Now, they cleared
7 their land really. They know how.

8 But this -- this chip mill wasn't even in
9 your report. Did it start later, or was it not
10 included, or did you not -- did you forget it was in
11 Missouri?

12 MR. MAHFOOD: I don't think we forgot it was
13 in Missouri. There's chip mills and there's
14 operations being --

15 MS. LIZ McCOOL: There's a lot more chip
16 mills besides those two.

17 MR. MAHFOOD: -- being established and not
18 established every day.

19 MS. LIZ McCOOL: Is there more than just
20 those two, and the one I know about. That's three.

21 You don't know how many chip mills there
22 are?

23 MR. MAHFOOD: No, because they are not --
24 chip mills are not permitted in the state of Missouri,
25 so nobody has to report.

1 MS. LIZ McCOOL: Chip mills are not
2 permitted?
3 MR. DAY: They don't have to have a permit.
4 MS. LIZ McCOOL: They are not permitted?
5 MR. MAHFOOD: They are not required to have
6 a permit.
7 MS. LIZ McCOOL: They are not required to
8 have a permit. Well, I think not permitted would be
9 nicer.
10 I think it's sad. I've got an English
11 accent, as you can hear. I come from England. I've
12 lived in McDonald County for 40 years.
13 SENATOR CHILDERS: That was going to be my
14 question. How well did you know the area?
15 MS. LIZ McCOOL: I know it very well.
16 SENATOR CHILDERS: I mean, you've seen it
17 over a number of years then?
18 MS. LIZ McCOOL: Yeah, over very many years.
19 And, you know, I've seen it where it used to be cut
20 with chain saws, and I thought that was bad enough,
21 you know. And there used to be little strawberry
22 fields here in the woods and places to grow corn.
23 But now they don't even bother with a chain
24 saw. They don't even bother with bulldozers half the
25 time. They just take those chains and take them down.

1 And you can see on some of those pictures. We've got
2 some of those others. These are the ones that show it
3 where it's actually being taken. Some of it. I don't
4 know where they get them. They are probably bringing
5 trees out of Arkansas and Oklahoma and everywhere
6 else.

7 SENATOR CHILDERS: That's what I was going
8 to ask. The train, where does the train come from?
9 You showed them coming in on a train.

10 MS. LIZ McCOOL: It's north/south. It's a
11 north/south track, so it's running along 71 Highway.

12 SENATOR CHILDERS: So you think out of the
13 south, then, and coming from Arkansas then?

14 MS. LIZ McCOOL: They're coming from both
15 directions.

16 SENATOR CHILDERS: But you think the trains
17 come from -- I mean, you don't have any idea which
18 direction they come from?

19 MS. LIZ McCOOL: Yeah. I said they come
20 from both directions.

21 SENATOR CHILDERS: Oh, okay.

22 MS. LIZ McCOOL: They come from north and
23 from south.

24 But they -- they come in on the tracks
25 alongside 71 Highway there, and, like I say,

1 sometimes -- you can see on one of the photographs
2 there, if you look closely, you can see one train
3 being unloaded with empty cars, and alongside there is
4 another train with 13 cars all loaded with logs.

5 And then the ones that I got yesterday,
6 there was another train that -- there were just three
7 cars here being unloaded, and then there was another
8 train with another half a dozen cars hiding behind the
9 trees up there waiting to be unloaded.

10 I mean, how many trees are there? Not these
11 little, itty-bitty things, but how many trees do you
12 get on an acre? How many trees are there in one --
13 you saw those photographs. How many acres is that?

14 This is a kind of an ivory tower thing, this
15 Committee, you know. I mean, you're up here. When I
16 was in nursing, it's like ivory tower medicine. I
17 mean, you need to come around and drive around and
18 look down there and see what's happening.

19 And did you see the drainage coming off that
20 place with the oil on the water?

21 MR. MAHFOOD: Do any of the Committee
22 members have any questions?

23 (No response.)

24 MR. MAHFOOD: Thank you very much.

25 MS. LIZ McCOOL: Well, I have one more

1 comment.

2 You protect the air and you protect the soil
3 and the water, and I think it's come time to protect
4 the trees, because that's what it's all for. There's
5 no point in protecting the soil unless it is growing
6 something, and all we grow in McDonald County is rocks
7 otherwise.

8 So I think we need -- I think we do need
9 legislation. I know a lot of people are absolutely
10 fighting against that idea, but I think it's come to
11 that, or we're not going to have anything. It's going
12 to take 100 years for this to recover now, just what's
13 been done in the last three years here in my area in
14 southwest Missouri.

15 I thank you very much.

16 MR. MAHFOOD: Thank you.

17 Art Gregor.

18 MR. ART GREGOR: Mr. Chairman, members of
19 the Committee -- I like the color of your shirt, by
20 the way.

21 MR. DAY: Thank you.

22 MR. ART GREGOR: I'd like to ask you
23 gentlemen just a simple question. Have any of -- have
24 any of you on the panel, have you ever seen the
25 destruction caused by runoff from clear-cutting?

1 You have. And where was this?

2 MR. DAY: Where were we?

3 MR. ART GREGOR: It doesn't matter.

4 MR. MAHFOOD: Yeah, we've all either lived

5 in the areas where you're talking about, seen it,

6 or --

7 MR. ART GREGOR: No, no, you haven't lived

8 there.

9 I lived in California. I lived in the Fall

10 River Valley. If any of you people ever trout fish,

11 the Fall River was the most beautiful, beautiful trout

12 stream there was. Natural. Pure. Originally, it had

13 1,000 springs that flowed south.

14 The logging companies come in and they

15 wanted to strip about 4,000 acres about ten miles

16 above where Fall River originates. They said we're

17 going to build -- we're going to do everything for

18 you, so don't worry about it. We're going to build

19 seven ponds and all of the rest of the good stuff

20 that's done.

21 So they stripped it out complete. For two

22 years it was fine, and then we had a good rain storm

23 like we had in Washington and Union a month ago, and

24 down the hillside came the hillside into the Fall

25 River.

1 Today in the Fall River there is a slug of
2 mud about eight miles long and every inch of that
3 water is completely devastated. Devastated. It's
4 gone.

5 If that's what you want to happen -- this is
6 your watch, and as the girl said just before, you've
7 got to take care of everything. You just can't take
8 care of one thing. And if you allow the chip mills to
9 come in, you're going to ruin Missouri.

10 Thank you.

11 Anybody?

12 MR. MAHFOOD: Any questions?

13 (No response.)

14 MR. ART GREGOR: Thank you.

15 MR. MAHFOOD: Thank you very much.

16 Bud Middleton.

17 MR. W. (Bud) MIDDLETON: Hello, folks. My
18 name is Bud Middleton. I have property in Iron and
19 Wayne County, which is about 20 miles south of
20 Ironton, about 20 miles north of Piedmont, Missouri.

21 Our region at present is facing some major
22 clear-cutting. We have about five or six large tracts
23 of timber which are being clear-cut at this moment.
24 There is about 1,200 acres that was cut very near to
25 where I live. I have to drive past this area every

1 single day of my life.

2 I'm a retired school teacher, having retired
3 just this month. And prior to that, I worked -- I'm a
4 double retired person. I retired from McDonnell-
5 Douglas, took early retirement, and went down and
6 started teaching. That's a little change of pace,
7 needless to say.

8 But, anyway, many of the kids that live in
9 the region there are even very distraught over the
10 areas they have to ride buses through every day.

11 I believe, as the other two folks have said,
12 that there needs to be more traveling in the areas by
13 all of you folks who are on the Committee. You may
14 sit back and think, well, I know what it's doing. I
15 can hear it from other people. But unless you go see
16 it for yourself, you really don't have a good idea or
17 a good appreciation for what it's really doing.

18 We live in an area near the Black River and
19 the Big Creek water sheds, a couple of the pristine
20 streams in Missouri. This, of course, is very much
21 into the depth of the Ozark Region, and we only have
22 one Ozark Region in Missouri. If we allow people to
23 come in and just wipe it out, we're not going to have
24 a tourist attraction, one of the most beautiful scenes
25 in the fall, and everything that we've had the

1 privilege of seeing over the past several years, or
2 our entire lifetime, actually.

3 Now, some of the things that I would like to
4 see done here -- we're really laying it heavily upon
5 the logger as being the person who damages everything
6 and that the chip mills do very little destruction.

7 Actually, in most cases, from what I've
8 seen, the chip mill people contract with a major
9 logging enterprise to come in and do all of the
10 logging. Now, I know some of these people by name. I
11 know a couple of large entities out of Mississippi
12 that have followed Canal and Willamette around for
13 several years and do most of their logging, so they
14 are very much aware of all of the normal practices
15 that should be followed in the logging industry.

16 But we have the loggers scared. They are
17 too fearful to speak out for fear that their private
18 property rights and other rights are going to be taken
19 away, or that you will make it so difficult for them
20 that they will have to be licensed, or whatever, to be
21 a logger.

22 Now, whether or not they should be is
23 another matter. I'm not going to discuss that because
24 I have a lot of friends that are traditional loggers.
25 But I can tell you right now, as several reports have

1 said, it takes, like, 10 or 12 saw mills to equate to
2 one logging operation by Willamette or Canal.

3 When people brag that they can clear 40
4 acres of land a week, it would take a lot of loggers
5 to do that same kind of damage to the property.

6 Now, some more things I believe that should
7 be done: I noticed in your Conservation Magazine this
8 month, they were talking about it being illegal to dig
9 wild flowers along the highway, and I support that.
10 But it's okay to destroy an entire forest along the
11 highway. All you need to do is leave a little strip
12 of trees about 20 foot wide to kind of camouflage
13 what's really being done in the background.

14 Now, other thing I believe the landowner in
15 these areas is facing is a reduction in their property
16 value. I personally believe that I've lost 25 percent
17 of the value of my property as a result of a 1,200-
18 acre cut in front of my place. Everyone that comes to
19 visit says, Man, it looks like they've dropped a bomb
20 out there at the end of your road.

21 And, as I said before, I would encourage all
22 of you to come and visit this area. I would be more
23 than glad to give you a guided tour of several areas.
24 I have done that to many newspapers and several TV
25 stations already, and we are working diligently to do

1 something to control this without totally destroying
2 people's rights.

3 Now, I know there might be a fine line here
4 in some of these areas, but we need to do what we can
5 to do sensible harvesting of the forests. This is not
6 what we're doing. They have these -- these
7 feller-bunchers that probably cost a half-million
8 dollars. I'm not sure. So there is not any way that
9 a traditional logger can sink that kind of money into
10 logging.

11 These people cannot selectively cut because
12 they couldn't turn this rig around in a 40-acre patch
13 of ground hardly without knocking down everything in
14 the area. So they're forced into a clear-cut
15 situation.

16 We need to look at ways to reduce our
17 consumption of paper products. The more automated we
18 get, the more paper we waste. I've been in technology
19 since 1963. I've seen everything since the old EAM
20 equipment up to the major main frames and now into the
21 PC era, and I'm not saying I'm an expert in those
22 areas, but I have been in it a long time.

23 And I know that the more automated you get,
24 the less requirement there is for paper, so I say we
25 ought to put a big mandate out there that -- let's see

1 a 30 percent reduction in paperwork at least in our
2 state government. That would be a step in the right
3 direction. And I've sent several letters to the
4 Director and Llona and several other people here. And
5 I cringe when I have to make papers of large reports
6 when you can send it via e-mail.

7 So there's a lot of things we can do.
8 There's a lot of things we need to do.

9 Last, but not least, if nothing else comes
10 of these meetings, the Willamette people own something
11 like 40,000 or 50,000 acres in our region of Missouri
12 covering about a six-county area there. And a lot of
13 it's on the highway. Some of it's near Johnson's
14 Shut-ins and some more highly sensitive areas. The
15 State owns land in many counties, almost entire
16 counties, that are just -- pretty well just open
17 areas.

18 I would suggest at the very least thing that
19 we can do is to get the State to look at some of these
20 sensitive areas and maybe do a little bit of land
21 swapping to try to help some of the sensitive areas
22 that are in our area. Let's keep Missouri beautiful.
23 Let's protect it. Let's do what we need to and be
24 good stewards of the earth. Thank you.

25 MR. MAHFOOD: Any questions?

1 MR. LAW: Who owns the land -- you said
2 1,200 acres that was cut.

3 MR. W. (Bud) MIDDLETON: Well, it's a very
4 strange situation. Brewster -- I don't know if you
5 people know Brewster. At one time they owned 80,000
6 acres in the state of Missouri. He died a few years
7 ago, left it to his daughter who is now in her 80s.
8 She's dumping the land. A gentleman from Farmington,
9 Missouri bought 1,200 acres. Immediately turned
10 around and sold it to the Madison County and Canal
11 Wood Products Companies all for money.

12 MR. MAHFOOD: Senator.

13 Excuse me, Mr. Middleton.

14 SENATOR CHILDERS: One other question.

15 Looking at your thoughts on this, how do you
16 deal with the situation of the landowner, for whatever
17 purpose, that has that timber and needs to sell it,
18 like, I know it was mentioned in here one time on
19 inheritance taxes? How do you deal with that? Do you
20 have any thoughts or any ideas how you solve the
21 problem? We know the problem is there, but how do you
22 deal with it?

23 MR. W. (Bud) MIDDLETON: Well, there is a
24 lot of education, as this gentleman mentioned earlier.
25 We need a lot of owner education going on here.

1 These people, they only look for the dollar
2 today. They don't worry about future generations that
3 are going to come along after we're gone. And if they
4 can make a fast buck, they will.

5 As far as inheritance tax, I personally
6 believe the State of Iowa and many others are working
7 on wiping that out. I don't see any need in an
8 inheritance tax.

9 SENATOR CHILDERS: But you think that would
10 address part of the problem then on that?

11 MR. W. (Bud) MIDDLETON: Absolutely.

12 SENATOR CHILDERS: I've heard that from a
13 number of farm families who say often some of their
14 timber is the only way they can pay off their
15 inheritance tax.

16 MR. W. (Bud) MIDDLETON: If they did, it
17 should be selectively cut, rather than clear-cut.

18 MR. MAHFOOD: Any other questions?

19 (No response.)

20 MR. MAHFOOD: Thank you very much.

21 MR. W. (Bud) MIDDLETON: Thank you.

22 MR. MAHFOOD: Marc Romine.

23 MR. MARC ROMINE: I am Marc Romine, and I'm
24 here representing the 300 members of the River Bluffs
25 Audubon Chapter of Mid-Missouri. Our chapter has a

1 strong interest in natural resources which include
2 fish, forests, and wildlife, and our members are
3 concerned that large-scale clear-cutting in the Ozarks
4 is going to damage the aquatic and forest ecosystems.

5 We appreciate the work that the Committee
6 has done and -- to study the problem associated with
7 the industrialized cutting in Missouri, and we agree
8 with many of the recommendations contained in the
9 report.

10 For example, in order to prevent extensive
11 damage to Missouri forest ecosystems in the near
12 future, it is crucial to develop an annual inventory
13 and survey of forest resources to educate landowners
14 and to appoint a forest resources council. The
15 members of our chapter also strongly agree and support
16 the use of best management practices, which is
17 mentioned in the report.

18 However, we believe that the Committee
19 should support legislation to make best management
20 practices mandatory. The Committees report references
21 ensuring best management practices, but this section
22 should be tiled "Requiring Best Management Practices."
23 It should also reference penalties for failure to use
24 best management practices.

25 Best management practices should be

1 mandatory in the forest because of the potential
2 damage that sediment causes in streams. We urge the
3 Committee to strengthen this section of the report.

4 Our chapter also supports requiring notice
5 of clear-cutting when more than 40 acres are to be
6 clear-cut. This is the only way to ensure that best
7 management practices are followed. Unless the State
8 receives notification of clear-cuts, poor practices
9 can occur on hundreds of acres with long-term
10 consequences. We strongly encourage the Committee to
11 strengthen this recommendation on this topic.

12 In addition, we believe that logger
13 certification should be mandatory. The Committee must
14 go beyond making this a voluntary program. Any other
15 profession that can have a substantial effect on the
16 public good is regulated. Persons practicing logging
17 also need to meet certain standards since impacts of
18 logging last many years.

19 Overall, our members believe that the
20 recommendations in this report are good in many
21 instances, but they do not go far enough. With a
22 strictly voluntary approach, the state's forest
23 ecosystems are still at risk. After all of the work
24 that's gone into this report, it is still possible for
25 a large company or landowner to come into Missouri and

1 clear-cut thousands of acres with devastating results
2 and still not be held accountable. We call on the
3 Committee to address this situation because we feel
4 it's almost certain to occur.

5 Thank you.

6 MR. MAHFOOD: Any questions from -- Senator
7 Childers.

8 SENATOR CHILDERS: One real quick.

9 Do you have any -- does the society have any
10 direction as to how to deal with landowners who are
11 long-term landowners and for whatever purposes, health
12 costs, there may be a lot of different reasons, but
13 they've had their timber there and need to liquidate
14 part of that timber? Do you have any thoughts about
15 payments to those landowners or something if they
16 maintain their lan-- their forests, or anything of
17 that sort?

18 MR. MARC ROMINE: No thoughts on payments.
19 We would -- we just feel that the land could be -- the
20 forest could be harvested with the future in mind and
21 not be clear-cut. And local ecosystems of forests an
22 aquatic ecosystems need to be considered.

23 SENATOR CHILDERS: The reason I ask that is
24 tradition-- I grew up in that part of the country,
25 and, traditionally, a lot of the landowners used their

1 timber as kind of their resource of last resort. It
2 was their savings account, basically. And from time
3 to time if they needed money for an emergency, they
4 sold some of their timber or did something of that
5 sort.

6 And, you know, that is something, if you
7 plan that for 40 years, or something, and you're
8 getting up in years, it becomes a little bit difficult
9 to tell them you can't harvest that, if you have
10 health care costs and you have this. Then you say,
11 well, we're doing it on a long-time harvest. It gets
12 into that same private property rights of someone
13 who's spent a lot of time there.

14 I just wondered if the society had addressed
15 any of those points as well as the environmental
16 aspects of it.

17 MR. MARC ROMINE: Not that I know of. They
18 may have, but not that I know of, not that I've heard.

19 MR. MAHFOOD: Any other questions?

20 (No response.)

21 MR. MAHFOOD: Thank you.

22 We appreciate it.

23 Mike Smith.

24 MR. MIKE SMITH: Good afternoon. It's good
25 to see you guys again.

1 Mike Smith, landowner near a large clear-cut
2 in Iron County.

3 Last winter a representative from Willamette
4 explained to the Kansas City Star that Mr. Maxwell,
5 the owner of 300 acres on Funk's Branch Road, cut his
6 land because he was converting it to pasture. I felt
7 obligated to make a trip up here to tell you that that
8 was not true. Even today no stumps have been cleared
9 or sprayed, no pasture grass has been planted, but
10 there is just a small handmade "For Sale" sign that
11 was put up there shortly after the land was
12 devastated.

13 Now, I read in the Final Draft that
14 Mr. Maxwell cleared his land for a housing development
15 or subdivision. I'm here again to tell you, this is
16 not true. I know Mr. Maxwell personally and I've
17 talked to some people he's talked about trying to sell
18 his property. I can assure you that the only
19 development that was done was -- were a few water bars
20 put in that were soon wiped out when loggers came back
21 in to cut trees out of the hollows.

22 What the Draft needs to indicate is the real
23 significance of the cut on Funk's Branch Road, and
24 that is that it is an example, a typical example, of a
25 cut-and-run scenario that the chip mill industry makes

1 so tempting to landowners.

2 Thank you for your time.

3 MR. MAHFOOD: Any questions?

4 David.

5 MR. DAY: We've heard about Funk's Branch --

6 MR. MIKE SMITH: Have you seen it?

7 MR. DAY: -- a couple of times, and you

8 mention that it's a typical example. And I'm just

9 wondering, if it is a typical example, then why

10 haven't we heard of other cuts referenced in the same

11 way?

12 MR. MIKE SMITH: Mr. Middleton invited you

13 to come back down. The cut that he was referring to,

14 the 1,200 acres, is within a couple of miles of the

15 one you saw on Funk's Branch Road. From what I --

16 what I know of the harvesting practices of the chip

17 mill industry is limited to what's in that -- that

18 region.

19 And I can assure you that if you drive a

20 little further down Funk's Branch Road and turn left

21 on Highway BB, drive up in that region, you see the

22 same kind of thing. That's what I mean by "typical."

23 All of the harvesting that I've seen that I know is

24 directly related to the chip mill industry looks like

25 what you saw on Funk's Branch Road.

1 That was a 300-acre one. Mr. Middleton was
2 referring to a 1,200-acre one. And there is a few
3 that are going on in that area that you couldn't tell
4 one from the other if you were just plopped down in
5 the middle of them.

6 MR. MAHFOOD: Any other questions?

7 (No response.)

8 MR. MIKE SMITH: Thank you.

9 MR. MAHFOOD: Thanks, Mike.

10 John McCammon.

11 MR. JOHN McCAMMON: My name is John
12 McCammon, and I want to talk to the issue of
13 pre-notification of timber harvests.

14 A number of states have got requirements for
15 pre-notification and that -- that group seems to be
16 growing. There are another -- a number of states that
17 are in the wings, all getting ready to put in
18 preharvest notification requirements.

19 I have a recap of some of the provisions
20 that I'd like to make as a part of the record when I'm
21 through.

22 It seems to me that pre-notification is
23 probably a pretty reasonable kind of thing and that
24 it has some advantages. It is, for one thing, about
25 the least intrusive thing you can do to have some

1 hopes of producing some desirable results. It doesn't
2 tell any landowner what he can or cannot do with his
3 land.

4 And it would provide an opportunity to
5 educate landowners, and we've all been talking about
6 the need for education of landowners. It would give
7 an opportunity for education of landowners if they
8 pre-notify about a timber harvest. And in all
9 likelihood, that education would probably be not only
10 in the interest -- financial interest of the landowner
11 in the long run about how to sell and handle his
12 timber, but it would also help him manage his land in
13 a more constructive way.

14 There is one other observation that I want
15 to make, and I feel that it's -- it's important to
16 recognize that pre-notification, while it's a
17 relatively benign kind of thing, could be important
18 and have important consequences. If what we're doing
19 in the lower Ozarks today is continued indefinitely
20 over the next several years, it's my belief -- it's my
21 belief that there is going to be a backlash and a
22 desire for far more drastic remedies than
23 pre-notification a few years from hence.

24 We've heard some people this morning and
25 we've heard people address this Committee before who

1 were landowners whose land and property has been
2 impacted by clear-cuts, and I suspect that that is
3 just barely the tip of the iceberg and that there will
4 undoubtedly be a tremendous desire to do far more
5 onerous things and far more onerous controls than
6 pre-notification if something isn't don't by this
7 Committee now.

8 This seems to me to be the perfect
9 opportunity to relook at that issue and decide if
10 there is some -- not some way to do a
11 pre-notification. It can be a simple procedure. It
12 can be easily carried forward. It can be done by the
13 landowner, and it -- it contains very little in the
14 way of adverse effect for the landowner and can
15 benefit him, I think, greatly.

16 So I would urge the Committee before they
17 come in with their final report to relook at the issue
18 of pre-notification and see if it wouldn't be better
19 to take some modest steps now, even for the timber
20 industry to take some modest steps now and get ahead
21 of the curve so things won't be more onerously dealt
22 with later on.

23 MR. MAHFOOD: Any questions?

24 (No response.)

25 MR. MAHFOOD: We appreciate the comments.

1 Jerry Presley.

2 MR. JERRY J. PRESLEY: Mr. Chairman and
3 gentlemen of the Committee, I'm pleased to be here
4 today, and I'm here representing myself.

5 Contrary to some, you know, I don't lobby
6 for the mining industries or any of the forest
7 industry folks, or whatever. I wanted you-all to know
8 that. I've been retired now for about four years or
9 so, and I am enjoying that. I will admit that I do
10 some consulting work here and there and I work on a
11 few little extracurricular assignments and things like
12 that.

13 I want to compliment the Committee for
14 holding these hearings, and I want to compliment the
15 Governor for appointing this Committee. And I realize
16 that when we do things like this that the committee
17 findings don't always agree with everyone that might
18 have an interest in the subject matter that they are
19 addressing. And, certainly, it's evident to me from
20 reading excerpts in the newspapers, especially the
21 Post Dispatch and The Kansas City Star, that, you
22 know, there are people that don't quite agree or
23 haven't quite agreed to date with the findings of this
24 Committee, but I'm confident that eventually you will
25 get to that.

1 I'm not here today to either support the
2 chip mills or oppose chip mills. My purpose here
3 today is to speak on behalf of private forest
4 landowners in this state. There is a lot of them out
5 there, and I'm not going to bore you with a lot of
6 statistics. I think you probably know the statistics
7 on that better than I do.

8 But we have forest landowners in this state
9 that have owned forest land all of their life, all of
10 their life, and many of those folks have never
11 realized one single penny from that forest land,
12 because we all know that here in Missouri it takes a
13 long time to grow a crop of trees. If I recall, I
14 think most forest management agencies, they look at
15 about 100 years rotation on Oak, Hickory, Climax
16 forests, and that's a long time, gentlemen, to nurture
17 and provide stewardship for land, pay taxes on it, and
18 maybe never realize a penny on it.

19 So I -- I want to address some things along
20 that line. That's what I'm here for today.

21 I want to first talk just a little bit about
22 the so-called top secret report that the Department of
23 Conservation had. And whether it was top secret or
24 not, I don't know. I got a copy of it, and I read it
25 several times and tried to look at it.

1 And I compliment those folks. They did a
2 lot of good work on that report. But they cited a lot
3 of studies in that report, gentlemen, that pertain to
4 clear-cutting and other land management practices, but
5 out of all of that information that they gathered and
6 compiled, only one study concerned clear-cutting in
7 the Missouri Ozarks, and that was a study by Dr. Carl
8 Settergren at the University of Missouri that was done
9 in 1980, I believe. A Mister -- Dr. Settergren -- I
10 went to school with Carl, by the way. He and I
11 graduated together. He did a lot better in college
12 than I did.

13 Dr. Settergren, his study comprised of three
14 methods. One was the clear-cut; one was the selection
15 cut, which I've heard one gentleman here today say
16 that that's probably the way he would like to see our
17 forests harvested, and, certainly, that process has
18 merit; and the other one was a no harvest as a
19 control. Dr. Settergren found no significant
20 differences in water quality or runoff, if you will,
21 as a result of that study.

22 Now, I don't know how detailed that study
23 was, and I would also say in the same breath that one
24 study probably doesn't constitute, you know, enough
25 findings, if you will.

1 But the Department's report -- I have great
2 respect for my colleague over there, used to be
3 colleagues, but their comments that maybe
4 clear-cutting could cause disaster especially to water
5 quality was judgmental at best, and their own report
6 admits that. If you dig around in there, you can find
7 that in there.

8 There -- to me there seems to be a major
9 shortfall in studies that really focus on the impacts
10 of clear-cuts, especially on water quality, and we
11 need those. And I think that one of the major
12 recommendations that could come out of this Committee
13 is that we do additional study on water quality.

14 Now, there is some very wonderful ongoing
15 studies going on that with a combination of people,
16 the Department of Conservation and some other state
17 and federal agencies looking at other aspects of
18 forest management and particularly forest harvesting,
19 and they're already finding out some good results, and
20 I would recommend that people review some of those.

21 The most significant thing, I think, to come
22 out of that MDC top secret report was the fact that we
23 really needed to increase our efforts to implementing
24 some kind of a forest initiative program that would
25 provide the private forest landowners in this state

1 with some kind of financial incentives that would
2 encourage them -- that would encourage them to manage
3 their forests in a proper manner, and if -- best
4 management practices, is that the way that we want to
5 go? We need to do that.

6 But other -- in the past -- over the past
7 history, other than the Forest Cropland Program and
8 technical forest assistance from our resource
9 foresters, there have been very little -- very little
10 incentives aimed at the private forest landowners.

11 Now, there has been a little smart -- a
12 little smattering of federal money that come down of
13 some type, but nothing significant.

14 Let's go back and take a look at the
15 one-tenth-of-one-percent sales tax. Mr. Chairman, I
16 know you're familiar with that. It has provided
17 probably one of the best things that could ever happen
18 in this state to help control soil erosion. And you
19 look at that program and the incentives packaged with
20 that and other federal incentives in that package that
21 goes to other type of people, landowners who indulge
22 in agricultural practices, row cropping, for example,
23 and there is just all kinds of opportunity for that.

24 I'd like you to go back and take a little
25 review -- I know you've got some staff people. Why

1 don't you look up and see, you know, what you're
2 doing, or anyone is doing, for that matter, out here
3 for the forest landowners in this state. I don't
4 think you're going to find a whole lot. I looked
5 around a little bit, and I couldn't find very much on
6 that.

7 The -- some people talk to statutory reasons
8 to -- or processes to control the production and the
9 harvesting of forest products off of private forest
10 land. If we're going to penalize private forest
11 landowners by any process, i.e. a yield tax, or one
12 gentleman said here, you know, announcements of
13 proposed sales and these things, why can't we treat
14 all land users the same? Why don't we do -- if we're
15 going to require that, let's require it for everybody
16 any time they go out here and fiddle around with the
17 land, so to speak.

18 You know, the point I'm trying to make is,
19 let's be fair with the forest landowners of this
20 state. But for some reason or another, there's some
21 people that feel that, you know, that a forest
22 lander -- a landowner, all they are supposed to do is
23 set back and provide the stewardship for their land,
24 maybe never realizing anything, keep it safe from
25 fire, insects and disease, and all of those kinds of

1 things, and if you realize any income, great, and if
2 you don't, that's tough. And I think that's a wrong
3 attitude we have about our forest land people.

4 The other thing I want to say is, you know,
5 our resources are renewable. You know, I grew up in
6 Shannon County. One lady was wondering if you knew
7 where McDonald County was. Well, some of you may not
8 know where Low Wassie is, but I do, you know. And I
9 was born in 1930 and I've watched the national forest,
10 particularly, that surrounding our Oakhill Farm -- you
11 know, I had -- I admit that the land was in terrible
12 condition, but the Forest Service in my view did a
13 wonderful job of stewardship of those forests.

14 And, you know, if the forest in Missouri
15 looked like it did in the early 1930s, these people
16 wouldn't be in here today commenting one way or the
17 other on it. They wouldn't really care, because there
18 was nothing out there to care about. That's where we
19 would be at today if that hadn't happened.

20 So I think the Forest Service and the
21 Department of Conservation are to be complimented for
22 what they've done today, but let's don't overlook the
23 literally thousands of private forest landowners that
24 are out there that own very small pieces of the old
25 earth, but, you know, they -- a lot -- not all of them

1 are going to realize income from their land, but some
2 of them do. And I think that before we get too far
3 along in any kind of statutory requirements, we ought
4 to look and see what the impacts would be.

5 And I'm disappointed that other than
6 Mr. Kruse not a single person has come up here today
7 and said anything about doing anything in the way of
8 financial incentives for landowners. And, yet, you
9 know, there may well be some of these people that
10 participate in other incentive programs, be it for
11 agriculture processes or whatever.

12 So I think the other aspect you need to look
13 at very closely is -- when I was Director of the
14 Department of Conservation I used to go to Washington,
15 D.C. and argue with the federal government about the
16 "takings" thing, you know, the taking of landowners'
17 rights. And if we get too far off base with
18 introducing lots of legislation that's going to
19 further take away the rights of private forest
20 landowners, we may well get into that process where,
21 okay, if you're going to tell me I can't harvest my
22 timber, that's okay, but you're going to have to pay
23 my for the value of that timber out there. That's one
24 of the possibilities that we face.

25 I appreciate the opportunity to be here

1 today, Mr. Chairman. And I thank you for the
2 opportunity.

3 And if there's any questions, I would be
4 glad to answer those?

5 MR. MAHFOOD: Anybody have any questions?

6 Jay.

7 MR. LAW: Jerry, one of the things we do
8 have in there is a proposed revision of the state
9 forest -- the forest crop law. And would you want to
10 share any of your thoughts on what might --

11 MR. JERRY J. PRESLEY: Well, Jay the forest
12 cropland law was one of the best things that ever
13 happened in the state of Missouri in my opinion, but
14 the forest cropland doesn't do much. You know, it
15 does something. You know, it -- basically, what it
16 did in the past, you signed your land up, you get your
17 taxes reduced, and then some -- another -- used to be
18 the General Assembly and now the Department of
19 Conservation reimburses the County for any lost taxes.
20 And they also will provide some technical assistance.

21 But, you know, it's a long process of
22 growing trees, and -- but there is nothing in there
23 on a comparable basis that -- like some of the
24 incentives that some of the other people get. And,
25 you know, if you're going to revise it and do, you

1 know, that, you could build in some incentive
2 packages in there.

3 Whoever -- I don't know how you go about
4 funding that. You know, the people in Missouri, I
5 think, are the most forward-looking people in the
6 United States, not only once, but twice they have been
7 willing to impose a sales tax on themselves to do
8 things with. And I'm not suggesting, Senator, another
9 sales tax, but -- but I am suggesting that there ought
10 to be something out there for forest landowners on a
11 parity, maybe not totally, but on a parity with other
12 people that do all kinds of things out here, you know,
13 plow it up every year, planting corn, and so forth and
14 so on.

15 Thank you very much.

16 MR. MAHFOOD: Thank you very much.

17 Scott Brundage?

18 MR. SCOTT BRUNDAGE: Mr. Chair, could I
19 reserve the right to speak later, if I choose? I just
20 wanted to protect myself by putting a card in.

21 MR. MAHFOOD: I'll put you right back in the
22 back.

23 MR. SCOTT BRUNDAGE: Am I at the back now?

24 MR. MAHFOOD: You can go to the back, if you
25 want. Just kidding.

1 Roy Hengerson.

2 MR. ROY C. HENGERSON: Good evening. For
3 the record, I'm Roy Hengerson. I'm the Environmental
4 Policy Director of the Missouri Coalition for the
5 Environment. I've also been a regular attendee of
6 these gatherings, and it's good to be back. I missed
7 the last one.

8 And I do have an apology to make. I have
9 been out of town for much of the month of June to
10 date, and so I've really only had a brief opportunity
11 to read the document, but I did focus in on the
12 section that is, of course, the most critical,
13 Section 3, the Action Areas Section. And, of course,
14 having attended the meeting where the Committee voted
15 on all of the alternatives that were presented, that
16 was not much of a surprise. I knew what had happened
17 at that April meeting.

18 I would also like to thank the Committee for
19 its work. It's been a tedious process. We're all
20 kind of tired about it, and -- but I think in a way
21 Missouri has been a leader in dealing with the problem
22 of the impacts from large chip mills.

23 And I think the report has some good points.
24 Just to note a few, I think even though I would --
25 would like to have it stronger, the fact that you have

1 some mandatory best management practices in certain
2 cases, I think that's a step in the right direction.
3 I think the recommendation for a forest resources
4 council will be a step in the right direction.
5 Obviously, a lot of the more voluntary things that
6 will help the situation are good recommendations.

7 And, further, I think there has been a good
8 discussion of the issues in the theme section thanks
9 to the input of all of the people that you had
10 attending these meetings and the work of the
11 Committee.

12 However, I am not completely happy with the
13 product to date. I think the Advisory Committee
14 failed to recommend strong effective actions that will
15 truly help Missouri control the negative impacts,
16 environmental and other, from these large chip mills.
17 I think that what we're seeing in the state is just
18 the beginning, and that I would have certainly
19 preferred to see the vote on the moratorium come out
20 slightly different, more in line with what the Clean
21 Water Commission did a few weeks ago.

22 I think also when I look at why is this
23 report so unsatisfying, to me I think it shows a lack
24 of vision. I think that -- that there were
25 glimmerings of vision -- some vision statements, and

1 then in the end the votes came down kind of on party
2 lines, protecting my little interest, protecting my
3 little section, rather than for the overall good of
4 the community and the state and, really, the nation.

5 So, I mean, I think we still have to ask
6 ourselves the question that was asked earlier: What
7 do we want our forests to look like in the future, and
8 how can we get there as a society?

9 And I think another weakness of the report
10 when I look at the entirety of it, it doesn't really
11 focus so much on controlling the impacts of large chip
12 mills. It does deal with a lot of issues, a lot of
13 forestry issues, but the problem that we're dealing
14 with, and that you certainly were charged by the
15 Governor to address, was the impacts from the large
16 chip mills.

17 Now, yes, it's true, bad forestry has been a
18 common practice in the Ozarks and in Missouri for many
19 years before the advent of large chip mills. But
20 given the fact that there is a propensity to not
21 practice good forest management and with the added
22 pressure of large chip mills which provide the driving
23 force for sucking the trees out of the forest and
24 through the mills, out of the state, that something
25 has to be done specifically with that aspect of the

1 issue.

2 So those, I see, are the main weakness.

3 Again, there are some good points in the report.

4 So what do we want? What does the Coalition
5 for the Environment want? Well, I've been up here
6 several times, many times, and I think you kind of
7 know, but I'll go through it again.

8 I think what we would really like to see is
9 a comprehensive forest practices act. I think many
10 progressive states have those, and I think that if
11 Missouri would like to think of itself as a
12 progressive state, it should have one. I think that
13 will be the best thing that the state overall can do.

14 Now, that would contain certain parts.
15 Obviously, the parts could be enacted separately, or
16 it could come as a total package. We would be willing
17 to support either.

18 Preharvest notification has been mentioned
19 by others, John and others, as a way for the State to
20 at least know what's going on out there and to then be
21 sure that best management practices and other
22 requirements are met. So I think preharvest
23 notification is a fairly clear need.

24 I think that, again, focusing on chip mills,
25 there should be requirements for the logging

1 operations of trees that are going to the large chip
2 mills, maybe to focus in on that aspect of forest
3 practices. Certainly, the use of best management
4 practices should be a standard operating procedure and
5 should be a requirement in some manner in a forest
6 practices act.

7 Another thing that should be considered is a
8 severance tax, and that was mentioned again by several
9 people. That would be on wood that goes out of the
10 state with minimal or no processing so that we do not
11 even enjoy the benefits of the jobs that could be
12 created by use of -- by cutting trees. If we're going
13 to cut our trees, we ought to at least enjoy the
14 economic benefits derived from the jobs. And in the
15 case of large chip mills, basically the profits go
16 elsewhere.

17 We need a bad actor clause. The problem
18 with totally voluntary things is that most people try
19 and do the right thing, but there are always the
20 occasional few that don't do the right thing, and we,
21 as a society, need to have some way of controlling
22 that.

23 And, again, we support the idea of a forest
24 resources council, and it should be an independent
25 body, not completely within any of the existing State

1 agencies.

2 We support the idea of required logger
3 training and certification. Logging should be
4 upgraded as a -- as a job, and this will help do that,
5 and also will provide for better forest management.

6 We support the licensing of professional
7 foresters, and we also support, contrary to what Jerry
8 just mentioned, incentives for forest landowners to do
9 good management. We feel that some mechanism should
10 be developed so that in addition to doing the right
11 thing, forest landowners have more of an opportunity
12 to get -- be part of programs that support that type
13 of thing. And, again, that could be maybe funded by
14 the severance tax or could be funded by some other
15 means. Obviously, many of these things would have to
16 be worked through as Missouri moves into this area.

17 So I think that we have still a full plate
18 before us as a state to deal with the problem of large
19 chip mills. I think the Committee has made a start.
20 I commend you for that. I think the Committee also
21 still has time to improve the report, and I urge you
22 to use your time wisely.

23 Thank you.

24 MR. MAHFOOD: Any questions?

25 (No response.)

1 MR. MAHFOOD: Thanks -- I'm sorry.

2 MR. DAY: How would you respond to the

3 argument -- you had mentioned the severance tax?

4 MR. ROY C. HENGERSON: Uh-huh.

5 MR. DAY: And, to my knowledge, no other

6 agricultural product in Missouri has a severance tax

7 on it because it leaves the state. How would you

8 respond to the argument that that would almost be a

9 disincentive to have forest land? You would be better

10 off putting out a crop that you are not taxed on like

11 that.

12 MR. ROY C. HENGERSON: Well, I think --

13 again, I think the idea of the severance tax would be

14 not to not harvest trees. It would be to not harvest

15 trees for just shipment out of state and out of the

16 country. And so I think that that tax can be used to

17 provide a system of incentives for forest landowners

18 to keep their land in forests and to provide the

19 good -- better management.

20 Again, the exact mechanisms would need to be

21 worked out.

22 MR. MAHFOOD: Any other questions?

23 (No response.)

24 MR. MAHFOOD: Thank you.

25 MR. ROY C. HENGERSON: Thank you.

1 MR. MAHFOOD: Ken Midkiff.

2 MR. KEN MIDKIFF: I'm going to read all of
3 this (indicated).

4 My name is Ken Midkiff. That's
5 M-i-d-k-i-f-f. I'm Director of the Sierra Club in
6 Missouri. I've appeared before the Committee several
7 times in the past, and I want to briefly review the
8 focus of my remarks on previous occasions. Our
9 position has been consistent and uniform, and we're
10 still in the same place.

11 I read from my comments to this Committee,
12 written comments submitted December 31st, 1999. "It
13 is our concern that the attention of the Chip Mill
14 Advisory Committee has been diverted from its primary
15 charge to develop a report of recommendations on the
16 potential negative impacts of chip mills and steps to
17 be taken by State government agencies to prevent
18 natural resource degradation.

19 "The impacts from high capacity chip mills
20 have nothing to do with the constitution that
21 guaranteed rights of landowners. Requiring that a
22 high capacity chip mill obtain and adhere to air
23 emission and waste water or storm water discharge
24 permits will in no way restrict or impinge upon any
25 rights that apply to the owners of private lands. By

1 allowing so much time and attention to be focused on
2 an issue that has no relevance and debate on whether
3 and how to regulate high capacity chip mills, the
4 Committee never got to its primary charge.

5 "Whether this focus was a deliberate attempt
6 to divert attention or was based on actual and
7 undocumented fears, we will not speculate. The fact
8 is that this did occur.

9 "Therefore, I conclude, we strongly urge
10 that the Committee in its final report and
11 recommendations focus entirely upon high capacity chip
12 mills, the potential impacts, and steps that the State
13 of Missouri can take to lessen or negate those
14 impacts."

15 From my comments to the Committee submitted
16 March 1st, 2000 -- I won't read it all -- "The
17 Governor's Advisory Committee on Chip Mills must focus
18 its attention on high capacity chip mills and their
19 sourcing areas and determine the level of regulation
20 that will protect the natural resources of the state
21 while allowing sustainable logging operations to
22 continue unfettered."

23 From my comments to the Clean Water
24 Commission of April 13th, 2000: "We are pleased
25 that the Commission is proceeding with due diligence

1 to protect the water resources of our state and are
2 observing the statutory mandates -- that's
3 Chapter 644.050 in particular -- to prevent
4 contaminants, erosion, siltation, and sediments from
5 entering our waterways. We applaud the Commission for
6 its prompt action -- this is in regard to the
7 moratorium on new chip mills -- and for expeditious
8 consideration of this resolution."

9 Now I want to read, finally -- I'm doing
10 this for the record, as if I were an attorney, which
11 I'm not. I want to read the provision in the
12 Governor's Executive Order, and it's Provision No. 4
13 after all of the "therefores" and "whereases."

14 "An Advisory Committee on Chip Mills is
15 hereby established. The Advisory Committee on Chip
16 Mills shall initiate a study to identify the impact of
17 chip mills and the associated forest harvesting
18 practices." And that same language is repeated
19 several times in the Governor's Executive Order.

20 And now I read the recommendations of this
21 Committee, and I find almost nothing in this report
22 about high capacity chip mills. Instead, I find a
23 bunch of stuff about protecting the rights of private
24 landowners. I submit that neither Willamette
25 Industries nor Canal Fiber are small private

1 landowners in this state.

2 Consequently, I conclude -- and this begins
3 my remarks, I conclude that the Advisory Committee on
4 Chip Mills is an utter and abject failure to respond
5 to the directives of the Governor and to the charge of
6 the Committee. The charge was to address chip mills,
7 not to address small sustainable logging operations.
8 So to that extent, I agree with some of those who have
9 spoken before me.

10 The -- I lost my place.

11 Now I want to state what we haven't asked
12 for. We have never called for water discharge
13 regulations on any private logging operation in
14 Missouri. There has been no need to do so.
15 Certainly, there have been small problems caused by
16 small logging operations, small problems that quickly
17 heal themselves.

18 We have never called for regulations on
19 large -- we have -- I'm sorry. We have called for
20 very stringent regulations on large industrial
21 facilities, whether those are logging operations or
22 industrial livestock operations.

23 We have never called for regulations on
24 small sustainable diversified independent family
25 farmers. We have called for very stringent

1 regulations on Premium Standard Farms, on Murphy's, on
2 Seaboard, on Simmons, on Tyson's, on Mo-Ark, and the
3 same thing applies here.

4 Industrial strength operations require
5 industrial strength regulations. You cannot depend on
6 these companies being good neighbors. You cannot
7 depend upon them to protect the air, water, and
8 natural resources of the state of Missouri, because
9 they don't live here. In fact, they don't live
10 anywhere. They are mythical beings. They are
11 corporations. They only exist as charters in some
12 place called New Jersey or California or Tokyo or
13 Chicago.

14 Succinctly, it is not landowners in this
15 state that need to be regulated. It is industrial,
16 high capacity chip mills, just as it is not family
17 farmers who need to be regulated, but rather the
18 large-scale operations and corporations that own the
19 huge facilities.

20 Now, unfortunately, the composition of this
21 Committee is such that rather than addressing the
22 problem of high capacity chip mills, these members are
23 more interested in dragging out the red herring, the
24 bogus issue of private property rights. This should
25 never have been an issue.

1 This is not the issue. We're not talking
2 about regulating private property owners. We're not
3 talking about regulating landowners.

4 What this has to do and what the
5 recommendations of the Committee will allow is foreign
6 corporations to trample roughshod over Missouri's
7 forest lands.

8 You have heard from the Missouri Farm
9 Bureau, and David Day from the Farm Bureau sits on
10 this Committee. During the life of this organization,
11 to the best I can determine, the percentage of those
12 making their living as farmers has shrunk from over
13 65 percent to less than 1 percent. It's about .8
14 percent of people in the United States who make their
15 living as farmers.

16 Is this the organization the Committee needs
17 to listen to about managing private lands? Is this to
18 be the fate of Missouri's small, independent loggers
19 and saw mill loggers, to be squeezed out by
20 multinational corporations while private property
21 rights extremists are guarding the wrong gate?

22 Gentlemen and ladies -- I guess the lady
23 isn't here -- of the Committee, this report is filled
24 with lots of words that will result in very little
25 protection of Missouri's natural resources. I will

1 paraphrase a Missouri politician from quite a few
2 years ago. "I'm from Missouri. Flowery rhetoric and
3 frothy eloquence do not impress me. I'm from
4 Missouri. You will have to show me."

5 This report doesn't show me very much. It
6 represents, again, an utter and abject failure to
7 respond to a major threat to our state.

8 Thank you.

9 MR. MAHFOOD: Any questions?

10 Senator Childers.

11 SENATOR CHILDERS: One question.

12 I notice in there you said that you weren't
13 dealing with any of the landowners. Are you aware of
14 what percentage of the forest land in Missouri is
15 owned by these small landowners?

16 MR. KEN MIDKIFF: Yes. I'm aware of the
17 overall land ownership in the state of Missouri.
18 Approximately 5 percent of the state of Missouri is
19 owned by the public in some form, state, federal,
20 local parks, so forth. As to the breakdown between
21 private landowners and -- of private woodland owners
22 and public woodland owners, I don't know that.

23 SENATOR CHILDERS: It is about 80, 85
24 percent.

25 MR. KEN MIDKIFF: I know it's high. It's

1 most.

2 SENATOR CHILDERS: But what I was going to
3 get to is, how do you address the need that if you're
4 dealing with a market, whether it be chip mills or saw
5 mills, or whatever institution is utilizing the
6 product, how do you get away with impacting the
7 landowner if you say you can't harvest the product
8 that they produce? That's the -- that's the point
9 where I can't see -- where you come together on saying
10 that you're not affecting the landowner when you're
11 talking about the product that they sell.

12 Some of them it's their livelihood. Some of
13 them it's a long-term investment. A lot of different
14 reasons why people have forest land. But that's the
15 point where I think we differ is where it affects that
16 landowner.

17 MR. KEN MIDKIFF: And I understand, and
18 that's exactly and precisely the point I'm trying to
19 make, and, apparently, I haven't made it very well.

20 By regulating the timber company and how
21 they harvest, they can buy all of the timber they want
22 from the landowner, but how they harvest it can be
23 regulated by the State. And you make the distinction
24 by the number of board feet or number of tons, or
25 whatever, that is processed, just as -- and I want to

1 make the analogy again -- the concentrated animal
2 feeding operations. The regulations begin there at a
3 thousand animal units, which is 2,500 hogs or 30,000
4 laying hens. You can make the same kind of
5 distinctions with the industrial facilities.

6 So what I'm proposing is rather than
7 regulating the landowners -- now eventually it may
8 impact them, but it shouldn't, because they should
9 still be able to sell their timber to whoever they
10 wish, whether it's a small logging operation or
11 Willamette or Canal Fiber.

12 But how the large logging operations conduct
13 their harvest will be regulated, or should be
14 regulated, because it's not -- as you know and I know,
15 it's not the small logging operations that have caused
16 the problem here in Missouri.

17 As I said, we've never had a concern about
18 private logging operations. Our concern has been
19 raised by the very companies that have destroyed the
20 Pacific Northwest now coming here, and I flown over
21 and seen what's going on in Willamette Valley in
22 Oregon and the Olympic Peninsula in Washington state.
23 I've been there. I've seen the kind of destruction
24 that these same corporations can reek.

25 It's the large companies coming in here that

1 need to be regulated, not the forest landowners. I
2 have no particular concern -- in fact, much in the
3 report is commendable. It just doesn't hit the right
4 target. I agree with incentives for private
5 landowners. I agree with licensing for loggers.
6 There's no problem with any of that, but that's not
7 addressing the problem.

8 MR. MAHFOOD: Any other questions?

9 (No response.)

10 MR. MAHFOOD: Thank you.

11 MR. KEN MIDKIFF: Thank you.

12 MR. MAHFOOD: Tom Kruzen.

13 MR. TOM KRUZEN: I'm Tom Kruzen with the
14 Dogwood Alliance.

15 The Revised Final Draft is like an animal
16 lacking a skeleton and flesh; there isn't much
17 substance. As a group, this Committee has proved once
18 again the old adage that a camel is a horse put
19 together by a committee. The document is peppered
20 with words like "voluntary," "encourage," "foster,"
21 "advise." It is long, and lukewarm to cool, and
22 offers very few real solutions to answer the very real
23 challenge that high capacity chip mills have brought
24 to this state.

25 The document of the essential status quo

1 will not -- I repeat -- will not save Missouri's
2 forests, nor will they save the communities that
3 depend on some form of timber for their livelihoods.
4 This includes the tourist industry which rates second
5 only to agriculture in this statement. No one comes
6 to Missouri look at scenic clear-cut.

7 If Missouri's forests are once again
8 liquidated, as they were at the previous turn of the
9 century, then we will have proven that we in Missouri
10 do not learn from history, but, rather, we are
11 captives of it.

12 The last two sentence in Paragraph 1 of your
13 report extol -- of the recommendations extol lofty
14 goals like trying to maintain biodiversity, minimizing
15 soil loss, ensuring the integrity water sheds. On
16 this we all can agree.

17 But how can you advise us, and you're the
18 ones to advise the Governor -- advise us to do this --
19 the way you advise us is totally inadequate. What
20 specific incentives will you offer to attract more
21 than 10 percent of the forest landowners currently
22 using state forestry programs?

23 You offer only general incentives. That
24 means that you have 90 percent of the forest --
25 private forest landowners to reach through forest

1 cropland and other state-sponsored educational
2 programs.

3 The idea of forest recourse council may be a
4 good idea. Without adequate representation from a
5 citizen-based environmental group or groups, however,
6 i.e. the Sierra Club, the Missouri Coalition, Missouri
7 Heartwood, Scenic Rivers Streams Team Association,
8 Dogwood Alliance, et cetera, this could easily become
9 a rubber stamp for the extractive industries.

10 The appointments to this body, should it
11 become a reality, should not be solely under the
12 supervision of the Department of Conservation. Public
13 trust in this agency is less than sterling these days.
14 The MDC internal report fiasco, the Marvin Brown
15 defection to Willamette, the MDC's courting of the
16 chip mill industry in the first place, should give us
17 all heads up. Giving this solely to MDC would be like
18 inviting the arsonist to put out the fire.

19 MDNR needs to be involved in the technical
20 support of this council.

21 This body's name is also too close to the
22 name of the Forest Resource Advisory Council, a group
23 of mostly extractive factions. This group in its
24 present configuration should not claim to speak for or
25 become what you are proposing here.

1 Such a council would -- should garner
2 members only from the broadest interests. This may be
3 a coincidence or it may be an attempt at the
4 extractive industries at co-opting the process.

5 The Committee's suggestion that Missouri's
6 best management practices be re-examined is a valid
7 one. Other states have stronger rules in the
8 aggregate, and it would behoove the State to
9 strengthen these. Once again, environmental concerns
10 must truly be represented on any agency -- interagency
11 task force. "Uncle Toms" and underrepresented token
12 environmentalists should be avoided like the plague.
13 The only recommendation with any teeth that

14 this Committee has made is far less than adequate. It
15 is more like a half tooth or an "eggtooth" -- good
16 enough to get you out of the egg but not much good at
17 biting at the meat of the matter.

18 The Committee -- the permit for cuts over 40
19 acres with more than 50 percent tree cover removal
20 does not stop a landowner or a neighboring landowner
21 from pulling a Sam Walton, you know, doing a
22 checkerboard of 39 1/2-acre clear-cut, or one right
23 after another. It worked for Sam to avoid paying his
24 employees fairly. Why wouldn't it work for Willamette
25 or Canal or whatever chip mill. This offers no real

1 protection to the forests and no enforcement of
2 violations.

3 What about bad actors and repeat offenders?

4 Oh, yes. You continue to use that voluntary concept.

5 But that can only work after all forest landowners

6 have had plenty of education and alternatives --

7 alternatives offered them.

8 Increasing the State's database on forest
9 landowners, forest resources, and industrial
10 forestry's technological capabilities is an excellent
11 idea. Remote sensing should be utilized. However, it
12 should not be the sole source of data collection.

13 If environmental/citizen groups or
14 individuals bring new information to light, then it
15 should be also added to the database if proven valid.
16 MDC "forgotten" divisions like Natural History and
17 Fisheries should also be able to add to the State's
18 ears and eyes on this matter.

19 It was totally ludicrous for MDC to be
20 depending on ten-year-old out-of-date information from
21 the Forest Service. Fewer funds to wildlife museums
22 and more remote sensing or on-the-ground data
23 collectors might keep the state from "flying blind" in
24 the chip mill storm.

25 The State must also make mandatory a simple

1 system that notifies the State of a logger's
2 intentions to cut a specific piece of ground. This
3 could be done -- so-called pre-notification. This
4 could be done by computer. Neighboring landowners
5 must also be notified as they are -- will most likely
6 have to live with the results of the clear-cut.

7 Private property rights only extend to the
8 point where one's actions don't affect others or the
9 shared public resources such as air and water. Other
10 states seem to be able to do this without much
11 trouble. Why not Missouri?

12 The Dogwood Alliance totally agrees with the
13 voluntary logger certification, logger licensing --
14 licensing loggers -- I'm sorry -- licensing of
15 logger -- loggers must be licensed. Missouri licenses
16 barbers and beauticians, and they aren't capable of
17 defiling an entire watershed for 100 years, only a
18 head or two for a month. To do less gives any
19 Chainsaw Charlie free reign.

20 Successful completion of a logger training
21 program should be prerequisite to acquisition of a
22 license. This should also apply to out-of-state
23 loggers. For example, Canal Fiber is using crews from
24 Mississippi who may have violated Missouri hazardous
25 waste rules. Perhaps Missouri should stop licensing

1 tractor-trailer drives if they voluntarily agree to
2 follow the rules of the road. Why is voluntary logger
3 certification any less ludicrous?

4 All of the education in the world is
5 wonderful for loggers, for landowners, for foresters,
6 for politicians, for bureaucrats, but if one doesn't
7 provide a valid set of mandatory standards, it's all
8 for naught. Do everything the Committee suggests and
9 go beyond, for education alone will not save the day.
10 Education with scruples might. There will always be
11 Cains, Judases and thieves of all flavors all too
12 willing to bypass what is good and right.

13 "Thou shalt not kill" separates the murder
14 from those who do not know such thing. It offers
15 repercussions from society if such a rule is broken,
16 but it does not affect the lives of those who do not
17 break the rule. Why should mandatory best management
18 practices or logger training be any different?

19 Any working group of the various Missouri
20 departments should not prioritize wood products at the
21 expense of other forest products whether they be bee
22 pollen, seed, root drops, recreation, or solitude.
23 Even the Mark Twain National Forest recognizes
24 solitude as a valid use of the forest.

25 All values of Missouri -- of the forests

1 should be given equal consideration. Again, MDC
2 should not be the sole agency to evaluate any project
3 offered up by any forest resource council.

4 When this Committee offers to "foster"
5 agricultural development in Missouri's rural
6 communities, it must accentuate community-based,
7 community-oriented, and community-directed businesses.
8 There must be a factor worth investing in that builds
9 communities rather than destroying their resource base
10 and sitting like a parasite on the edge of town, not
11 unlike Willamette's mill in Mill Spring. That poor
12 community has not benefited one iota by the presence
13 of the Willamette mill.

14 All of the talk of value-added products is
15 fine, and the Dogwood Alliance supports their
16 enhancement, as long as they benefit the communities
17 where they are produced. We also support the
18 exporting of such products.

19 We firmly oppose the export of raw logs, saw
20 dust, and chips. Raw forest products should be
21 subject to a severance tax as it is with raw mineral
22 ores in many states.

23 Currently, there are several raw log
24 exporting facilities in Missouri. The Committee did
25 not address this problem even though it was brought to

1 their attention several times over the past year and a
2 half. Several of these places are feeding out-of-
3 state chip mills as far away as Georgia.

4 The Committee speaks of "encouraging all
5 forestry cooperatives for the development and other
6 business activities." These are two ill-defined and
7 leave room for all kinds of potential abuse.
8 Recycling should have been an easy one for this
9 Committee to recommend.

10 It could have used words stronger than
11 "encourage." It is not an impossibility for the state
12 of Missouri to demand all of its agencies or
13 University system to use 100 percent post-consumer
14 paper products. This could in an instant provide a
15 demand for such products and provide an incentive for
16 paper companies to get away from using virgin timber
17 for paper.

18 A call to banish all paper and wood products
19 from landfills and incinerators could stimulate all
20 kinds of invention. It is also not at all a foreign
21 concept to the consuming public. High quality post-
22 consumer paper products are being produced, contrary
23 to what the Committee postulates.

24 Encouraging alternative fiber products is
25 laudable, but the Committee leaves a very historically

1 important fiber out of its equation -- hemp. Get over
2 the stigma and get on with the task at hand. High
3 yielding varieties of any plant including trees should
4 not originate from genetic modifications, i.e. gene-
5 spliced material. This unproved technology contains
6 potential for permanent damage to the genetic code,
7 even more -- even more than damage from nuclear
8 catastrophes.

9 The last statement of the Committee about
10 property rights incorrectly emphasizes the "rights"
11 part of the equation. Equal emphasis should be given
12 to the responsibilities of landowners. The last
13 sentence in the Final Draft is oxymoronic. Rights
14 should never release us from our responsibilities. In
15 the Latin, "re" is back and "spondere" to give, to
16 give back. All good farmers and all good land
17 stewards give back.

18 Sincerity, good will, and creative
19 approaches were not totally absent from this
20 Committee, but they were outnumbered.

21 I thank the members who dwelt in those
22 qualities. I hope the Governor has the good wisdom to
23 avoid the ideas of rampant self-interest and blind
24 ignorance that dominated the attention of this
25 Committee.

1 I have also added an addendum supplied by
2 Katie Auman. She found numerous mistakes and errors
3 in your report, and I offer these now.

4 Questions?

5 MR. MAHFOOD: Any questions?

6 (No response.)

7 MR. MAHFOOD: Nope.

8 Thank you, Tom.

9 James Bailey.

10 (No response.)

11 MR. MAHFOOD: Going once? Twice?

12 (No response.)

13 MR. MAHFOOD: All right. Louise McKeel?

14 MS. LOUISE McKEEL: Hello. I am glad to see
15 everyone for one of the last meetings of this
16 Committee. It's been important to me to be able to
17 come and to see what's gone here.

18 In many ways I am a little bit new at this
19 level of environmentalism, but I do -- I have read the
20 reports and I have quite a bit of the Committee tapes,
21 and there are some things that seem to me to be
22 missing, and so I want to try to just enumerate that.

23 I guess I'll read what I wrote this morning
24 just so that I don't go off too far here. I want to
25 use my time to talk about the concept of

1 sustainability.

2 I first learned about the concept of
3 sustainability from an article about sustainable
4 agricultural in the November 1989 Atlantic Monthly
5 featuring Wes Jackson and his argument that
6 contemporary agricultural methods are destroying our
7 topsoil and polluting our environment at an alarming
8 and death dealing rate.

9 Books such as Lester Brown's State of the
10 World series has taught me that each year the earth's
11 tree cover diminishes by some 17 million hectares, an
12 area the size of Austria. Forests cleared for
13 farming, harvest of lumber and firewood exceeds the
14 sustainable yields, and air pollution and acid rain
15 take a growing toll on every continent.

16 In a report on the Australian Democrats web
17 site titled, "Saving Face in Kyoto," the section
18 under "Vegetation" contained such statements as, "The
19 1997 National Greenhouse Gas Inventory estimated that
20 the clearing of 500,000 hectares or more of natural
21 vegetation is responsible for the release of
22 107 megatons of carbon dioxide -- once stored in trees
23 and soil -- each year. This is about 22 percent of
24 Australia's total greenhouse emissions.

25 "Land is cleared in Australia at a rate of

1 more than two times the proposed rate of vegetation."
2 And I'm talking about Australia because there is
3 nothing that I see in anything that I've been studying
4 that it couldn't happen here. But, anyway, let me
5 just finish that.

6 "Land is cleared in Australia at a rate of
7 more than two times the proposed rate of vegetation."

8 And then about land clearing, the report
9 continues, "It makes no sense to fund planting of new
10 trees when the states have failed to adequately
11 control land clearing." If the Queensland were a
12 country in its own right, it would have the tenth
13 worst land clearing record in the world. And, again,
14 that's Queensland, but I don't see anything that we
15 have here that doesn't -- that protects us from the
16 same thing happening right here.

17 "The federal government" -- that's their --
18 the federal government in Australia, "would make the
19 release of any -- should make the release of any of
20 the \$820 million to the states for Landcare and
21 Bushcare conditional on the implementation of rigorous
22 land clearing controls.

23 "An education campaign should be established
24 to demonstrate to landowners the necessity of
25 retaining native vegetation to cut erosion and

1 salinity. The campaign should also aim to publicly
2 recognize and reward the excellent conservation work
3 already being done by many landowners."

4 I picked that quotation because I think
5 those three items are really key among a whole sea of
6 other ideas that I've been hearing. I think other
7 ideas are fine, too, but I think that these are three
8 important ones that are borne out of experience in
9 Australia.

10 Since 1989 I have attended a number of
11 meetings where professionals in one field or another
12 have been charged with defining sustainability. It
13 took the organization Sustainable St. Louis at least
14 one whole year to define "sustainable development"
15 as -- and then their definition is -- "a concept which
16 incorporates the interconnectedness of the
17 environment, the economy, and societal and cultural
18 factors." However, more classic definitions have been
19 established during the past decade as a result of
20 global environmental summits in Rio de Janerio and
21 Kyoto, as well as such -- as efforts such as The Land
22 Stewardship Project in Minnesota which defines
23 sustainable agriculture as "leaving the land in better
24 condition than it was when it was put into our
25 custody."

1 It disturbs me that the Revised Final --
2 Revised Draft Final Report does not have a clear
3 definition of the term "sustainability" in the
4 glossary. Neither do I see such a definition in the
5 remainder of the document. I'm talking about a
6 concise -- or relatively concise definition.

7 If I am correct about the fact that the
8 entire Final Report contains no definition of the
9 basic concept of sustainability, as a 60-year-old tax
10 payer of this state, I am amazed. I am concerned that
11 despite implementation of any of the proposed
12 recommendations in the Environmental Sustainability
13 section that it is possible to have all manner of
14 programs and forest resource councils advising
15 landowners and loggers and government officials
16 without ever getting down to the actual issue of what
17 it takes to manage anything sustainably.

18 In other words, I think sustainability has
19 become a very popular buzz word the use of which
20 very -- which precious few people have gathered
21 sufficient facts to make a reasonable argument.

22 Similarly, the uses of BMPs, best management
23 practices, is another buzz concept to me that needs to
24 be summarized in the Final Report and defined in the
25 glossary, and it's not in the glossary. There are a

1 lot of forest product and forest -- well, timber terms
2 in that glossary. I don't see almost anything about
3 environmentalism.

4 In a one-page "Summary of Major Ingredients
5 of Sustainability" created by Alan Journet and
6 Christine Logan of the Department of Biology at
7 Southeastern Missouri State University, a convenient
8 list of concepts and citations is arranged which need
9 to be addressed and dealt with before big scale
10 industry and agriculture is permitted to operate in
11 our state. It is no longer sufficient to merely list
12 concerns and potential concerns and then turn these
13 matters over to a committee or council that can be
14 invisibly and easily bought. It is imperative that
15 everyone who is genuinely interested in ecological
16 sustainability of Missouri's natural resources become
17 informed about realistic measures for ensuring Ozark
18 forest lands -- or for ensuring that Missouri Ozark
19 forest lands are actually and no less better than they
20 were when Governor Carnahan first called for a
21 moratorium on chip mill operations in this state.

22 MR. MAHFOOD: Any questions?

23 Senator?

24 SENATOR CHILDERS: Yes. You mentioned
25 your -- what is your background? You mentioned you

1 took an interest in it back in '89. What's your
2 background?

3 MS. LOUISE McKEEL: Okay. Several things.
4 I come as a citizen, and then in college I took
5 English, and I've always been interested in
6 communication in many different ways.

7 I wrote a little more extended summary of my
8 background this morning, and then I decided that would
9 make things too long.

10 I've actually done quite a few things. I
11 know about urban design. I've taken -- I have
12 extra -- let's see. What do you call it? I want to
13 say extra credit, but, you know, there is a term for
14 it -- but, anyway, credits in things such as urban
15 design and in -- oh, a potpourri of things, such as
16 tax preparation and accounting. I have extra
17 credentials in those kinds of things, not necessarily
18 a degree, but at least I've taken classes and courses,
19 and I'm interested in each of those subjects.

20 And the reason I have such a varied
21 interest -- list of interests is that I am a
22 homemaker, not primarily, necessarily, but I am also a
23 homemaker and a family manager. And I regard this
24 environmental work as sort of an extension of actually
25 family management and human welfare, which is

1 something that I'm interested and my husband, as a
2 physician, is interested in.

3 SENATOR CHILDERS: I guess the point -- but
4 yours is mainly secondary information that you've
5 gleaned from others? I mean, you don't work in any of
6 the areas, like, the forestry area or anything? It's
7 more a secondary interest that you as a citizen have
8 observed or read or studied or something of that sort
9 moreso than working with the environmental issues that
10 you're talking about?

11 MS. LOUISE McKEEL: Well, then maybe -- I
12 led off by saying that I was an independent news
13 agency. I have -- my company, I call it Village
14 Image, and since, I guess, about 1995 I have gathered
15 lots and lots of files, and actually maybe since 1990
16 I began gathering files. And I can say now that I
17 have 24 files -- well, I don't know that every one of
18 them is filled with environmental stuff, but most of
19 those 24 drawers are filled with environmental things.

20 And I'm used to doing research in social
21 work. I got a good grade in that class, and my
22 husband has been doing research. We've been married
23 37 years, and we've been engaged in research, but
24 primarily maybe health care research, throughout our
25 adult married life.

1 SENATOR CHILDERS: Thank you.

2 MS. LOUISE McKEEL: Thank you.

3 MR. MAHFOOD: Thank you.

4 Daniel McKeel.

5 DR. DANIEL McKEEL: Well, I guess as a good
6 opening, I'm Daniel McKeel. I've been a Missouri
7 citizen for 31 years. I'm a member of both the Sierra
8 Club and the Missouri Coalition for the Environment.
9 My employment is as a physician and a pathologist.
10 I'm on the faculty of the Wash U Medical School in
11 St. Louis.

12 My wife, Louise McKeel, in conjunction with
13 her company, the Village Image -- and she didn't
14 mention, Senator Childers, that that company has
15 produced on Public Access TV in St. Louis now more
16 than 100 environmental half-hour video shows, so I
17 think she's got quite a range of publications in this
18 area. And they are based on her own research, but I
19 would say that's a substantial contribution to the
20 understanding of the public of environmental issues in
21 Missouri.

22 Louise and I also have developed a web site
23 and a video about the Ozark Trail which we consider
24 one of Missouri and Arkansas's wonderful assets. And
25 because of that activity, we've traversed the entire

1 Ozark Trail in Missouri and Arkansas and have plotted
2 the route including the unfinished portion. Through
3 these activities we have come to enjoy greatly the
4 natural beauty of this part of our state and that of
5 neighboring Arkansas.

6 As you know from our previous comments, we
7 are very concerned about the current and the near
8 threat -- near future threat that the large capacity
9 chip mills represent, and we are very worried about
10 their potential damaging effects, including excessive
11 logging in a poorly done way on private lands and what
12 those effects will have on our interest and those
13 interested in tourism which has been mentioned is our
14 second largest economic source of revenue in this
15 state.

16 We have been critical of the Advisory
17 Committee's apparent lack of any sense of urgency to
18 discourage large scale clear-cutting in Missouri
19 despite evidence that this is already occurring and
20 which we've heard more of today.

21 This Final Report, it's good in many
22 respects, but I need to talk about concerns, and they
23 persist and, in fact, they are heightened. And they
24 are heightened because this report and its
25 recommendations really doesn't have any strong

1 recommendations either for a moratorium, for mandatory
2 logger licensing, or stronger permit provisions.

3 So I want to talk first about my specific
4 concerns about the Committee process. There are just
5 a few of those.

6 I want to note that the Press Release No.
7 378, which is dated 6-06 of this year which gave the
8 date of this meeting as June 20th was actually not
9 posted on the official Governor's committee web site
10 until June the 18th. And I looked for it carefully to
11 see about that, and there, suddenly, on Sunday morning
12 it had appeared.

13 I want to note that no hearing was ever held
14 in the sourcing area of the chip mills to get input
15 from the Missouri citizens who are most affected by
16 the chip mills. The work of this Committee in my
17 opinion was grossly underfunded at only \$25,000. The
18 two-year North Carolina chip mill study begun in 1998
19 was funded at the \$250,000 level, and I believe that
20 this underfunding impeded the Missouri Committee's
21 ability to generate actual data during the period the
22 chip mills have been operating.

23 I want to note for the record that a
24 discussion of the third large capacity chip mill at
25 Goodman in McDonald County was removed from the

1 August 3rd, 1999 agenda by then Co-chair Marvin Brown,
2 and this is reported in the July 1999 minutes.

3 The reasons given were because the third
4 mill wasn't high capacity and because there wasn't
5 time to hear about it and also -- and to also include
6 Dr. David Diamond's presentation on remote sensing to
7 assess forest change that was -- that was presented
8 at the August 3rd meeting.

9 Later, a Committee meeting (sic) told me as
10 an aside that there had been political pressure within
11 the Committee not to hear that the Goodman
12 representative, and the reason given was he would put
13 a positive face on the chip mills because he is a
14 personable fellow. I have no idea whether that's
15 true, but that was relayed to me.

16 The August 3rd, 1999 minutes showed the
17 meeting was adjourned at 2:55 p.m. in the afternoon.
18 Thus, there should have been plenty of time to hear
19 about the Goodman chip mill, and I continue to wonder
20 why that presentation was not made.

21 I have other -- several other points
22 regarding the content of the report itself.

23 The first is that the recommendations should
24 each be numbered, I believe, from one to 31, rather
25 than being nearly bulleted as they are in the Draft,

1 to facilitate people referencing them.

2 I believe a short bibliography of each of
3 the Committee members should be included in the Final
4 Report as an appendix. This information would be
5 important to persons considering the deliberations and
6 the Final Report. For example, on the web site and
7 when Emily Firebaugh introduced herself, her role was
8 referred to as "forest landowner," which is correct.

9 Not mentioned was the fact that I gleaned
10 from Dave Bedan's Audubon Society web site on chip
11 mills, was that Mrs. Firebaugh, from Farmington and
12 St. Francois County, also owns and manages the
13 Ferguson Timber Company. Knowledge that she is a
14 member of the timber industry is also useful to the
15 readers of the document.

16 The attachments submitted to the Committee
17 and noted in the meeting minutes should be indexed in
18 a separate part of the appendix. Now, the presenters
19 are mentioned in the appendix, but they are -- the
20 specifics of what they presented are not included
21 there.

22 Co-Chairman Mahfood noted during one of the
23 Committee meetings that these outside documents are
24 public and everything the Committee gets the public
25 should see. I agree with this policy; however, I want

1 to note that those attachments were not mailed to the
2 interested parties along with the minutes.

3 One complete set of materials should be
4 submitted to the Governor, and all of these materials
5 should be put where the public has access to them.
6 The access method should be announced to the public,
7 including people on the Committee's interested party
8 list.

9 The next point I feel is extremely
10 important, and that is that the Committee's final
11 judgment on the overall impact of high capacity chip
12 mills is difficult to discover in this Final Report.
13 I believe this should be stated clearly and up front.

14 Judged by the lack of a recommendation for a
15 moratorium or mandatory logger licensing, or any
16 information on additional permit provisions as called
17 for in Item C of Executive Order 98-16, it seems to me
18 that the Committee does not feel there is much of a
19 problem.

20 This apparent conclusion is extremely
21 disappointing to those of us who believe the evidence
22 is overwhelming of a major chip mill problem with many
23 adverse consequences both in the deep southern states
24 and as mentioned in the far west.

25 One good recommendation made by the

1 Committee was to establish a long-range study of the
2 chip mill sourcing areas using satellite remote
3 sensing data. Testimony about this technology was
4 provided to the Committee on August the 3rd by
5 Dr. David Diamond, Director of MoRAP, whose partners
6 include both MDC and DNR.

7 Dr. Diamond recently graciously provided me
8 with his notes and expanded on the utility and wisdom
9 of employing satellite technology to gather hard data
10 on the impact of Missouri's chip mills.

11 He assured me that he stands ready and
12 willing to expedite and facilitate getting this
13 valuable data analyzed at the lowest possible cost.
14 Image costs could now be as low as \$900 each, and only
15 a few images, maybe four to six, are needed for a
16 basic forest change analysis to be conducted.

17 As I have stated previously, the satellite
18 images are available now, but there do need to be some
19 funds for their purchase and to have them analyzed.

20 Through an article on the MoRAP web site by
21 Kan He, who also provided input to the Committee at
22 the August 3rd, 1999 meeting, I became aware of an
23 ongoing forest mapping project that duplicates the
24 study proposed by the Committee. The study is named
25 the Southeastern Forest Change Mapping Project, and

1 it's coordinated by Michael Schanka, who is the
2 Resource Information Manager in Region 9 of the Mark
3 Twain National Forest.

4 I recently contacted Mr. Schanka who
5 responded promptly and told me that the SFCM project
6 seeks forest change data across all of southern
7 Missouri. It will include data only from 1992 to 1998
8 under the current plan. Progress in getting a product
9 has been slow because of lack of funding.

10 I will urge, and hope the Advisory Committee
11 will do the same thing, to extend the SFCMP analysis
12 period through 1990 and 2000 and to piggyback onto it
13 a detail analysis of the Mill Spring and Scott City
14 sourcing areas centered in Wayne and Cape Girardeau
15 Counties.

16 I'd like to note for the record that a
17 discussion of possible legal issue was also removed
18 from the Committee agenda during the time period that
19 Marvin Brown was Committee Co-Chair.

20 The report still contains no mention of the
21 effect that chip mill-related deforestation might have
22 on the climate and air quality. I have previously
23 provided information to the Committee about this
24 important issue and it was mentioned again today.

25 There are many statements of fact throughout

1 the Draft and the meeting minutes that deserve to be
2 challenged, and this will be the thrust of my
3 subsequent written comments.

4 For example, Dr. Guldin's opinion from the
5 USFS in Arkansas is clearly that of a professional
6 timber person. His conclusion that chip mills there
7 could have little effect because of the huge timber
8 reserves, which are similar to Missouri's, is contrary
9 to the experience in other southern states where chip
10 mills have had major negative impacts on the land,
11 water quality, the well-being of sawmills that are
12 small and the families who run them, and on their
13 natural beauty which attracts visitors.

14 Finally, for the record, and for historical
15 purposes primarily, I'd like to mention that Louise
16 McKeel and Village Image have video recordings of some
17 of these Committee meetings as further documentation.

18 I'll end here and will submit written
19 comments before June 30th, and I want to thank you
20 very much for your hard work and particularly for the
21 many opportunities to provide more information and
22 particularly on this Revised Draft Final Report of
23 May 30, 2000.

24 SENATOR CHILDERS: Any questions of
25 Dr. McKeel?

1 (No response.)

2 SENATOR CHILDERS: Dr. McKeel, one

3 clarification. I recall when you -- I was here when

4 you testified before.

5 DR. DANIEL McKEEL: Uh-huh.

6 SENATOR CHILDERS: Now, are you a landowner

7 also? I was trying to recall if you said before that

8 you were a landowner or had some --

9 DR. DANIEL McKEEL: I'm a condominium owner.

10 SENATOR CHILDERS: Okay. I couldn't

11 remember. I was thinking you were a landowner.

12 DR. DANIEL McKEEL: We might have .1

13 acres --

14 SENATOR CHILDERS: Okay.

15 DR. DANIEL McKEEL: -- possibly.

16 SENATOR CHILDERS: I was wrong on that.

17 DR. DANIEL McKEEL: Right.

18 SENATOR CHILDERS: Any other questions?

19 (No response.)

20 SENATOR CHILDERS: Okay. Thank you.

21 DR. DANIEL McKEEL: Thanks very much.

22 SENATOR CHILDERS: I believe our next person

23 to give testimony is Devin -- is it Devin Scherubel;

24 is that right? If I'm wrong on your name, would you

25 clarify it for me, please?

1 MR. DEVIN SCHERUBEL: I say Devin Scherubel.

2 SENATOR CHILDERS: Scherubel.

3 MR. DEVIN SCHERUBEL: I don't speak German.

4 I work with Heartwood. I think there is an

5 element of humility that's been lacking on this

6 Committee in regards to its work with Heartwood. I

7 would be -- well, obviously, there is an element of

8 lacking humility in that most of them aren't even here

9 to listen to the public. Inexcusable, really.

10 You might also remember that it was our

11 alert that first mentioned establishing a Governor's

12 panel and a moratorium. You wouldn't even be here if

13 it weren't for us. The fact that we were excluded

14 from membership on the Committee is a political slap

15 in the face.

16 Obviously, John McCammon is quite correct.

17 I have stopped paying close attention to this

18 Committee quite some time ago and have begun scheming

19 and working hard on more onerous regulations on

20 Missouri forest practices. It's not going to come

21 from here.

22 I haven't prepared written comments. You

23 don't deserve them. You don't really deserve my time.

24 You've definitely wasted the time and the money of the

25 people of Missouri.

1 A Committee that had done its job would have
2 a long time ago found that the chip mill industry is
3 not in the benefit of forest health of Missouri, is
4 not in the benefit of the communities of Missouri;
5 it's not in the benefit of the economics of Missouri,
6 and found ways to get rid of it.

7 Such recommendations might have included
8 some steps which have been referenced to, excise
9 taxes, regulations on sizes and types of cutting,
10 et cetera. But the most direct-to-the-point thing if
11 the Committee had actually had the guts to do what it
12 was called on to do would have been to call for
13 legislation banning chip mills from the state of
14 Missouri. That certainly is our position.

15 Now, it's, I suppose, not all for loss. We
16 have begun a long overdue discussion, as has been
17 pointed out, on forest practices in Missouri.
18 Unfortunately, the report falls far short even there.
19 Clearly, even the much-in-the-pocket-of-industry
20 Missouri Department of Conservation's conclusions say,
21 if one reads them and reads what they're trying to say
22 between the lines, that best management practices are
23 absolutely essential to good forestry and should be
24 applied on every acre of cutting of any type and that
25 should be a mandatory requirement.

1 But those are unlikely to be followed by
2 people who haven't learned to do them, and, therefore,
3 logging licensing is -- logger licensing is a
4 no-brainer. And no regulatory agency will be able to
5 ensure that they are being followed if they don't know
6 where the cutting is going on, and, therefore,
7 preharvest notification is a part of that same very
8 minimal package of what should address Missouri forest
9 practices.

10 I've been pretty polite in the last year and
11 a half, waiting for things to take their course. My
12 opinions haven't changed. The data has piled up.
13 They've been strengthened. I will most likely be less
14 polite in the future in dealing with these
15 corporations.

16 What we're talking about here, or the
17 primary problem that we're talking about is a soulless
18 creature which I can as a nonviolent action-- activist
19 without any moral compunction say ought to be killed
20 and their head put out on a stake.

21 These corporations do not benefit Missouri.
22 They do not benefit Missourians. They are chartered
23 by Missourians. They ought to have that charter
24 revoked. I'll look at the Attorney General's Office
25 for a second there. That's one of the things we plan

1 on working on. These corporations ought not to be
2 allowed in a state where they are not benefiting the
3 people who are chartering them to benefit. That's
4 what corporation -- corporate law was originally set
5 up for.

6 All that said, of course, one can't be too
7 surprised by the outcome given the constitution of the
8 Committee. Unfortunately, 14 people and one
9 environmental representative was not a very adequate
10 voice for the people of Missouri or for the people who
11 called this Committee to its work and called on this
12 Governor to make such an appointment.

13 Marvin Brown as the Co-Chair was a joke.
14 Obviously, he was bought off, bought off so well, I
15 guess, he couldn't even stay for the whole show. It's
16 just as well, I guess. We know where he stands.

17 I think we ought to increasingly recognize
18 where the Missouri Department of Conservation,
19 Forestry Division stands as a whole.

20 And I'll be saying increasingly publicly
21 that that one-eighth sales tax shouldn't be taken for
22 granted. I'm not sure it's deserved.

23 Any questions?

24 (No response.)

25 MR. DEVIN SCHERUBEL: All right then.

1 MR. MAHFOOD: Charles Phillips.

2 MR. CHARLES PHILLIPS: Good evening,
3 gentlemen. I'm Charles Phillips from the Ozark
4 Mountain Wild. I am a native Ozarker. My family has
5 been in the Ozark Mountains for 160 years, and we --
6 I've always been concerned about the forest cover and
7 forests throughout the Ozark Mountains and the impacts
8 on native ecosystems and biological diversity.

9 Quite frankly, after reading this report and
10 falling asleep on it probably half-a-dozen times, I
11 was disappointed. And I -- I'm sure if the public had
12 a better knowledge of what was written, they would
13 also be disappointed and feel as though that we had
14 wasted our money and your time and our time in trying
15 to prepare -- find some -- strike some sort of
16 balance.

17 Okay. So I want to really get down to my
18 comments now. Having just completed an extensive
19 review of the state forestry laws from around the
20 country with a focus on landowner notification
21 requirements and best management practices, I'd like
22 to emphasize that the state of Missouri's forestry
23 laws are some of the weakest in the country. Even
24 states considered highly protective of landowner
25 rights such as Idaho and West Virginia have much

1 stronger laws.

2 Your recommendations that there be voluntary
3 notification and voluntary implementation of best
4 management practices will do little to protect the
5 state's water, forest continuity, scenic values and
6 protect potentially devastating wildfires.

7 It is a mistake to believe that required
8 preharvest notification puts an undue burden on
9 landowners. There are many states that require such
10 notification, which generally amounts to filling in
11 basic information on a form that takes less than an
12 hour to complete. The most difficult part of the
13 notification consists of providing a clear map of the
14 area to be cut. One could easily argue that such a
15 requirement is necessary to protect neighboring
16 landowners. Anyone who intends to cut timber should
17 be legally required to provide such a map so that the
18 State can make that information available to the
19 neighbors of these landowners.

20 While I applaud the recommendation that
21 there be mandatory compliance with best management
22 practices on clear-cuts larger than 40 acres with more
23 than 50 percent of its tree cover removed, I believe
24 that poor harvesting practices on such -- on much
25 smaller areas can still greatly impact stream and

1 water quality.

2 Furthermore, with your recommendation that
3 the 50 percent removal be based on a yearly
4 measurement needs to be reviewed and amended. A
5 landowner could strategically design a cut that
6 occurred over three years that removed timber in
7 30-acre blocks leaving a clear-cut as large as they
8 desire. While I understand you wish not to burden
9 small landowners, you have left a large loophole in
10 your recommendation.

11 I would recommend that you call for
12 mandatory best management practices for any cut of
13 larger than ten acres with over 90 percent removal,
14 or any cut larger than 40 acres with more than
15 50 percent removal of its -- of tree cover removed
16 measured over ten years within each one-quarter
17 section, or 160 acres.

18 You must remember that best management
19 practices do not prevent the landowner from cutting.
20 They just force them to use proper cutting practices
21 to protect the state's and their neighbor's water
22 quality. These are -- this is water that your
23 neighbors depend upon, you know, their drinking water.

24 Okay. And I'd also like to recommend that
25 companies which harvest timber on lands that do not --

1 that don't own timber on lands be required to get a
2 license and to train their operators. It is one
3 thing for a landowner to cut their own trees. It is
4 another thing to have it done by an outside
5 contractor.

6 Most states require bonding and licensing of
7 home builders, painters, and even barbers. Requiring
8 a license of timber harvesters is not an undue burden
9 on landowners. It simply makes common sense.

10 And one other thing I want to -- I want to
11 respond to, Mr. Presley's comments about private
12 property rights, I defy Mr. Presley or anyone on this
13 Committee to come up with one example, one example of
14 a private property owner's rights being abridged in
15 this state. You can't do it because there is no
16 examples of it.

17 So this whole argument that all of our
18 private property rights is going to be abridged is
19 just totally bogus. So that's all I have to say.

20 MR. MAHFOOD: Any questions?

21 (No response.)

22 MR. MAHFOOD: Thank you very much.

23 All right. You got something to submit?

24 MR. CHARLES PHILLIPS: Yeah, written
25 comments.

1 MR. MAHFOOD: Kalista Mountjoy.

2 MS. KALISTA MOUNTJOY: Hi. My name is
3 Kalista Mountjoy. I go to the University of Missouri
4 in Columbia.

5 I don't know a whole lot about what you guys
6 have done so far, and I don't know a whole lot about
7 chip mills either, but I do know that something is
8 going wrong. Trees are being cut at enormous rates.

9 I'm the generation that's being handed what
10 your generation has done to the environment, and I
11 don't want to live in that kind of environment. I
12 don't want to pass that onto my children and
13 grandchildren.

14 I think that one of the main things that
15 would help in slowing the cutting of so many trees is
16 education about what it all is doing for the
17 generations that are left. I think that we need to
18 move the heart from being money oriented and filled
19 with greed to one that cares about what's -- what's
20 being left for their -- for their grandchildren.

21 For the private property owners, I think
22 that -- I don't think we should make laws in what they
23 can and can't sell. It's their land. But I think we
24 should try to change the way their heart feels about
25 it.

1 If they -- if they have huge hospital bills
2 and they have treated their forests as their savings
3 account, I think that they've treated their forest in
4 the wrong way. I think we should change their heart
5 into knowing and feeling that the forests are sacred
6 and that they provide a life source for the entire
7 world, instead of trees with dollar bills on them.
8 Trees aren't -- trees aren't money.

9 I think that -- I think that if we change at
10 a heart level how they feel about their forests, then
11 that's where the main difference is, and that's where
12 we'll make a change. And that's all I have to say.

13 MR. MAHFOOD: Thank you.

14 Anybody have any questions?

15 (No response.)

16 MR. MAHFOOD: Thank you very much.

17 Tony Nenninger.

18 MR. TONY NENNINGER: I've got to wipe the
19 tear out of my eye after hearing that last speaker. I
20 think maybe the court reporter here, being a female,
21 has maybe got an appreciation in that way, too.

22 You guys have done an amazing -- taken on an
23 amazing challenge here with all of these controversial
24 different viewpoints and perspectives. I understand
25 why so many people aren't here. It must be very

1 frustrating.

2 I think -- I think the media reports that
3 I've read about the Committee is it sounds like, you
4 know, the public image is you don't have much teeth in
5 your recommendations. And I really haven't been able
6 to absorb all of the details in your report.
7 Obviously, you have put a lot of work into it.

8 One place I think you did fall short is not
9 discussing alternative fibers. It's a failure to
10 address the basic moral question of whether it's even
11 ethical to use trees for paper at all. I don't see
12 any address of hemp particularly.

13 I am not a bought-and-paid-for lobbyist.
14 I've come to a lot of your meetings and listened to a
15 lot of this and your reports and given you reports,
16 and I feel insulted that there is nothing in here
17 about the question of hemp and particularly how the
18 hemp is a -- is a suppression of private property
19 rights already.

20 I wish that the Committee would be more bold
21 and creative about suggesting the possibility of
22 addressing the property rights dilemma and the
23 environmental dilemma by questioning our marijuana
24 laws.

25 I guess that's all I have to say for now.

1 MR. MAHFOOD: Yes.

2 MR. LAW: Do you have a farm, or are you in

3 agriculture in any way?

4 MR. TONY NENNINGER: I own five acres as

5 part of a 213-acre land trust association. All of the

6 co-owners have ecological agreements about limiting

7 the number of trees we cut on our private parcels and

8 that sort of thing.

9 MR. LAW: You don't grow any crops though?

10 MR. TONY NENNINGER: No, I don't.

11 MR. LAW: Okay.

12 MR. MAHFOOD: Any other questions?

13 (No response.)

14 MR. MAHFOOD: Thanks, Tony.

15 Scott, do you have anything that you --

16 MR. SCOTT BRUNDAGE: Am I last?

17 MR. MAHFOOD: Yeah, you're last.

18 MR. SCOTT BRUNDAGE: I'll make it very, very

19 brief.

20 MR. MAHFOOD: This is it.

21 MR. SCOTT BRUNDAGE: A thank you to the

22 Committee. I know Dave and Jay are retired. They've

23 spent a tremendous amount of time and effort on this.

24 Senator Childers being a Senator and what's involved

25 with your time schedule, I commend you for the time

1 you have spent on the Committee. And Steve running
2 DNR, I don't know where you get all of the time to do
3 what you've done, but I thank the Committee, which was
4 a different approach. I'm throwing a bouquet to you.
5 I think you have done a lot of hard work.

6 Number two, I personally agree, and I'm
7 speaking strictly as a consulting forester and a tree
8 farmer, but all my tree farms are not in the chip mill
9 area, but -- so I'm not having any ax to grind as far
10 as the chip mills go. But the philosophy of a
11 voluntary recommendation-type program versus a
12 mandated program, I'm in favor of at this point in
13 time.

14 And I know a lot would like it to be
15 mandated now, but I'm always in favor of giving
16 somebody a chance to see if some of the problems that
17 have been talked about can be handled in a manner
18 which you have chosen to handle them on the Committee.

19 Roy, who is not here right now, had a list
20 of goals that the Coalition for the Environment would
21 desire to have come out of this Committee. Many of
22 those, I think, are things that many of us as
23 foresters would desire, but I'm more than willing to
24 try the voluntary approach.

25 Approximately two years from now, if we're

1 standing here again with another Committee and there
2 has been little to no improvement in some of the
3 problems mentioned, I imagine there will be many of us
4 who will be leading the charge in the other direction
5 saying something needs to be done more than the
6 voluntary method. But your approach at this point in
7 time I'm totally in favor of.

8 Thank you.

9 MR. MAHFOOD: Committee members, do you have
10 any other -- any other comments, anything at this
11 point in time?

12 (No response)

13 MR. MAHFOOD: I don't have any other cards.

14 Our next meeting will take place on July
15 31st in this meeting room to, again, review the
16 comments.

17 I need to give you a -- a phone number here.
18 The comments will be available in transcript form --

19 MR. ROY HENGERSON: There is one other
20 person. Caroline Pufalt just got here, and she did
21 want to speak.

22 MR. MAHFOOD: Can you get her a card real
23 fast, Roy?

24 MR. ROY HENGERSON: I'll fill a card out for
25 her.

1 MR. MAHFOOD: We have got a few minutes.

2 I just want to tell you that the transcript

3 is available, and I'm sure she'll stop typing if I get

4 the -- if I don't say it right. Kristal Murphy is

5 where the contact is at 573/636-7551. 573/636-7551.

6 And we've got one more comment. Because

7 this was scheduled to run until 7:00, so we will not

8 be formally leaving until 7:00. We may stop the

9 comments when the last person has made their comment.

10 Just give us a few minutes here for the final comment.

11 I have your card. Roy has put your card in

12 here, so we're going to get you right away. If you

13 have comments to make, if you could come --

14 MS. CAROLINE PUFALT: Okay.

15 MR. MAHFOOD: Whether you did or not, Roy

16 signed you up, so you're first.

17 MS. CAROLINE PUFALT: All right. Fine.

18 Thank you.

19 Sorry. I could not get off work early

20 today.

21 And I have no idea what's transpired, but I

22 really just wanted to say a couple -- we'll be sending

23 in some written comments, but I really wanted to thank

24 the Committee for all of the time that you put in.

25 This has been a complicated topic, and I think the

1 Committee has really made an effort to keep the
2 process open and involve the public.

3 I especially appreciate your efforts to
4 conduct a field trip and include the public in that.

5 Generally, we are kind of disappointed with
6 the report in that it fails to take on a more
7 directory -- direct approach towards best management
8 practices and making those mandatory in a wider range
9 of circumstances.

10 We're also disappointed that it didn't look
11 more directly at the chip mill industry, although we
12 realize there are a few recommendations in there that
13 might move forward in a positive way.

14 Generally, that's really all I wanted to
15 say.

16 And I wanted to publicly thank Governor
17 Carnahan for getting this process going, and we'll
18 move forward with your recommendations as citizens
19 participating however we can in the future.

20 And I didn't say who I was. I'm Caroline
21 Pufalt, and I'm Conservation Chair of the Ozark
22 Chapter. I know Ken has already spoken on behalf of
23 the Sierra Club, but I wanted to make those comments.

24 Thank you-all very much for all of your
25 time.

1 MR. MAHFOOD: Thank you for coming down.
2 Anybody have any questions?
3 (No response.)
4 MR. MAHFOOD: Okay. That seems to be the
5 extent of the -- of the comments.
6 Like I said, I'll repeat again, we've got
7 the meeting coming up on July 31st here in this room
8 where we will be considering the comments that are
9 available at the phone number that I just read to you.
10 And no further action by the Committee --
11 MR. MIKE SMITH: May I ask a question,
12 please?
13 MR. MAHFOOD: Please.
14 MR. MIKE SMITH: I know that everybody is
15 busy --
16 MR. MAHFOOD: Please identify yourself.
17 MR. MIKE SMITH: Oh, I'm sorry. Mike Smith.
18 It's kind of sad that there is not more of
19 the Committee here this evening. I guess we can feel
20 confident that the other Committee members will see
21 the transcript and take in what we say today.
22 MR. MAHFOOD: Absolutely. Absolutely. That
23 is the reason why we wanted a transcript and not a
24 summary version or some other regular minutes. We now
25 have a direct, exact transcript of what transpired at

1 this meeting, at this hearing. So that's why it was
2 very important that it happen in that manner, which is
3 why we also set the meeting time not just a couple of
4 weeks from now so there would be enough time to
5 complete the transcript and give the other members
6 adequate time to review the transcript for the next
7 meeting.

8 MR. MIKE SMITH: Thank you.

9 MR. MAHFOOD: Further comments?

10 (No response.)

11 MR. MAHFOOD: The public hearing is now
12 adjourned.

13 (THE PUBLIC HEARING WAS CONCLUDED.)

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C E R T I F I C A T E

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, KRISTAL R. MURPHY, CSR, RPR, CCR, with the firm of Associated Court Reporters, Inc., within and for the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

Given at my office in the City of Jefferson,
County of Cole, State of Missouri, this 27th day of
June, 2000.

KRISTAL R. MURPHY, CSR, RPR, CCR

